

CUSTOMS BULLETIN AND DECISIONS

**Weekly Compilation of
Decisions, Rulings, Regulations, Notices, and Abstracts
Concerning Customs and Related Matters of the
U.S. Customs Service
U.S. Court of Appeals for the Federal Circuit
and
U.S. Court of International Trade**

VOL. 36

MAY 1, 2002

NO. 18

This issue contains:

U.S. Customs Service

T.D. 02-20

General Notices

U.S. Court of International Trade

Slip Op. 02-36

**DEPARTMENT OF THE TREASURY
U.S. CUSTOMS SERVICE**

NOTICE

The decisions, rulings, regulations, notices and abstracts which are published in the CUSTOMS BULLETIN are subject to correction for typographical or other printing errors. Users may notify the U.S. Customs Service, Office of Finance, Logistics Division, National Support Services Center, Washington, DC 20229, of any such errors in order that corrections may be made before the bound volumes are published.

**Please visit the U.S. Customs Web at:
<http://www.customs.gov>**

U.S. Customs Service

Treasury Decision

(T.D. 02-20)

GUIDELINES FOR THE CANCELLATION OF CERTAIN CLAIMS FOR LIQUIDATED DAMAGES

AGENCY: U.S. Customs Service, Department of the Treasury.

ACTION: General notice.

SUMMARY: Under the Omnibus Trade and Competitiveness Act of 1988, the Secretary of the Treasury is required to publish guidelines for the cancellation of bond charges. There are certain Customs bond charges for which no guidelines have been published. This document publishes new guidelines for claims for liquidated damages established against holders of International Carrier Bonds for failure to redeliver to Customs custody merchandise which has been exported in violation of export control laws; against importers for failure to file NAFTA duty-deferral entries; and against Trade Fair Operators for violation of any of the conditions of the Basic Importation Bond relating to Trade Fairs. In addition, this document amends the guidelines published in T.D. 94-38 regarding the cancellation of claims when petitions are filed after established regulatory time frames have expired. This document also provides cancellation standards for all carnet cases. This document will supersede, in part, Customs Directive 3280-011A and Customs Directive 3280-016 as they relate to the cancellation of claims for liquidated damages arising from breach of ATA or TECRO/AIT Carnets.

EFFECTIVE DATE: These guidelines will take effect upon April 19, 2002 and shall be applicable to all cases which are currently open at the petition or supplemental petition stage.

FOR FURTHER INFORMATION CONTACT:

For carnet guidelines: John Connors, Penalties Branch, Office of Regulations and Rulings (202) 927-2274.

For all other guidelines: Jeremy Baskin, Penalties Branch, Office of Regulations and Rulings (202) 927-2344.

SUPPLEMENTARY INFORMATION:

BACKGROUND

Section 1904 of the Omnibus Trade and Competitiveness Act of 1988 (Pub.L. 100-418) amended section 623 of the Tariff Act of 1930 (19

U.S.C. 1623) by adding the following sentence at the end of section 623(c) of the Tariff Act of 1930 (19 U.S.C. 1623(c)):

"In order to assure uniform, reasonable and equitable decisions, the Secretary of the Treasury shall publish guidelines establishing standards for setting the terms and conditions for cancellation of bonds or charges thereunder."

In T.D. 94-38, dated April 11, 1994, bond cancellation standards were published for claims involving late filing of entry summaries, late payment of estimated duties, violations of Temporary Importation Bonds, failure to redeliver merchandise, late filing of shipper's export declarations, missing document cases, in-bond violations, warehouse bond violations, airport security violations, foreign trade zone violations, failure to hold merchandise at the place of examination, failure to hold merchandise at or deliver it to a centralized examination station and late filing of petitions for relief.

In T.D. 98-53, dated June 2, 1998, bond cancellation standards were published for claims arising from the failure to file or late filing of softwood lumber export information.

In T.D. 99-29, dated March 26, 1999, new guidelines were published for all violations involving failure to notify or late notification of the presence of unentered merchandise eligible for general order and for removal of merchandise from container freight stations. In addition, T.D. 99-29 revised guidelines originally published in T.D. 94-38 which covered delivery of merchandise to or removal of merchandise from Centralized Examination Stations (CES), delivery of cargo from the place of unloading or the place of examination without Customs authorization, and in-bond violations.

In T.D. 01-41, dated May 21, 2001, the text of guidelines originally published in T.D. 94-38 for cancellation of claims for liquidated damages arising from violations involving a foreign trade zone bond was revised and published.

This document publishes new guidelines for claims for liquidated damages established against holders of International Carrier Bonds for failure to redeliver to Customs custody merchandise which has been exported in violation of export control laws; against importers for failure to file NAFTA duty-deferral entries; and against Trade Fair Operators for violation of any of the conditions of the Basic Importation Bond relating to Trade Fairs.

In addition, this document amends the guidelines published in T.D. 94-38 regarding the cancellation of claims when petitions are filed after established regulatory time frames have expired. This document raises the minimum additional charge for a late petition from \$100 to \$400.

In December 1961, the Customs Cooperation Council (CCC), (since redesignated as the World Customs Organization (WCO)) adopted the Customs Convention on the ATA Carnet for the Temporary Admission of Goods. In July 1963, the ATA Convention entered into force. The Convention provided for the use of carnets for the duty-free admission of

certain types of merchandise. The carnets serve as the entry document and the underlying bond guaranteeing import and export of that merchandise entered free of duty.

The TECRO/AIT Carnet is a separate carnet associated with the movement of certain merchandise between the United States and Taiwan established by virtue of a bilateral carnet agreement between the Taipei Economic and Cultural Representative in the United States (TECRO) and the American Institute in Taiwan (AIT). Under the TECRO/AIT Carnets, commercial samples and professional equipment shipped from Taiwan to the United States may be temporarily imported with the benefits of carnet facilitation.

While Customs has promulgated regulations regarding the assessment of liquidated damages for failing to meet the terms and conditions of carnets and has issued directives for their administration (for ATA carnets, Customs Directive 3280-011A, dated February 3, 2000, and for TECRO/AIT carnets, Customs Directive 3280-016, dated November 23, 1999), which included some mitigation instruction, formal guidelines for the cancellation of those liquidated damages claims arising from breaches of carnets have never been published. This document supersedes Customs Directive 3280-011A and Customs Directive 3280-016 as they relate to mitigation and cancellation of claims for liquidated damages arising from breach of an ATA or TECRO/AIT Carnet.

The text of the guidelines is set forth below.

Dated: April 15, 2002.

ROBERT C. BONNER,
Commissioner of Customs.

I. Guidelines for Cancellation of Claims for Failure to Redeliver Export Merchandise (19 CFR 113.64(f)(1) and (f)(2))

A. Assessment.

Claims for failure to redeliver merchandise exported in violation of the export laws result in the assessment of liquidated damages equal to 3 times the value of that merchandise.

B. Mitigation.

1. There will be no mitigation of the claim for liquidated damages in the event that a significant enforcement objective is involved with respect to the reason for the redelivery order. For example, if goods subject to the redelivery order were stolen goods or were being exported to a country for which exportations of the specific goods are embargoed, no relief should be given from the liquidated damages claim.

2. For all other cases, the following guidelines apply to the cancellation of the claim for liquidated damages:

a. First violation—Cancel the claim for liquidated damages upon payment of an amount between 10 and 50 per-

cent of the value of the cargo but in no case will the claim be cancelled upon payment of an amount less than two times the freight charges (if calculable). This is necessary in order to offset any economic advantage that might be gained through a failure to redeliver the merchandise.

b. Second and subsequent violations—Cancel the liquidated damages claim upon payment of an amount no less than the value of the cargo or five times the freight charges (if calculable), whichever is larger.

II. Guidelines for Assessment and Cancellation of Claims for Failure or Late Filing of NAFTA Duty Deferral Entries

A. Filing of NAFTA Duty Deferral Entry.

1. If merchandise is originally entered into a duty-deferral program here in US (TIB, bonded warehouse or FTZ) and then exported to Canada or Mexico or entered into a duty-deferral program in Canada or Mexico, a NAFTA duty-deferral entry must be filed.

2. A CF-7501 summary reporting export and duty-owed information must be filed with Customs 10 working days from the date of export or entry into the duty-deferral program in Canada or Mexico.

3. If the summary is never filed or filed after 10-working day filing period, a liquidated damages claim for breach of 19 CFR 113.62(b)(4) and 181.53(a)(2)(iii)(B) may be initiated for a NAFTA duty deferral non- or late file. Claim is assessed at the value of merchandise exported.

B. Payment of NAFTA Duty Deferral Duties.

1. Payment of duties due with the NAFTA duty-deferral entry must be deposited with Customs no later than 60 calendar days from the date of export or entry into the duty-deferral program in Canada or Mexico. See 19 CFR 181.53(a)(2)(iii)(C). This includes any reduced duties that must be deposited with the filing of any claim for reduced duties per 19 CFR 181.53(a)(3)(ii).

2. Failure to deposit or late deposit of duties will result in the assessment of a claim for liquidated damages for double the unpaid duties or \$1,000, whichever is greater, for violation of 19 CFR 113.62(a)(1) and 19 CFR 181.53(a)(2)(iii)(C).

C. Mitigation Guidelines.

1. Late file of the duty-deferral entry (no revenue consequence) where the CF-7501 is filed outside the 10-working day period, but the NAFTA deferral duties are paid timely (as in A.3. above): Option 1 amount of \$100. If the principal or surety petitions for relief and cannot show that the violation did not occur, or only occurred as a result of Customs error, then mitigate to an amount no lower than \$200.

2. Failure to deposit duties within 60 calendar days of export or entry into a duty-deferral program in Canada or Mexico, (as in B.2. above): no mitigation shall be afforded until duties are deposited.

3. Late payment of duties after issuance of a claim for failure to deposit duties: Option 1 amount of \$200 + interest amount calculated in same manner as for late payment of estimated duties. If the principal or surety petitions for relief and cannot show that the violation did not occur, or only occurred as a result of Customs error, then mitigate to an amount no lower than \$300 plus the appropriate interest amount.

4. Late payment of duties when a failure to deposit claim was not issued: Option 1 amount of \$100 + interest amount calculated in same manner as for late payment of estimated duties. If the principal or surety petitions for relief and cannot show that the violation did not occur, or only occurred as a result of Customs error, then mitigate to an amount no lower than \$200 plus the appropriate interest amount.

III. Guidelines for Cancellation of Claims for Violations Arising From Failure to Comply With Trade Fair Regulations

A. Trade Fair Operators are required to file a Basic Importation Bond per 19 CFR 147.3 covering articles entered for the Fair per 19 CFR 147.2.

B. If payments required by 19 CFR 147.33 (relating to reimbursement to the Government by the fair operator of certain expenses), 19 CFR 147.41 (relating to merchandise removed from the fair not in accordance with regulation) or 19 CFR 147.43 (relating to entry of merchandise from a fair) are not made upon demand, then liquidated damages may be assessed per 19 CFR 147.3 and 19 CFR 113.62(g) or (h).

C. Failure to use or handle merchandise in a manner which entitles it to duty-free entry (i.e., removing it from the Fair other than in accordance with regulation including failure to make entry, if appropriate) will result in assessment of liquidated damages equal to the value of the merchandise involved in the violation (or three times the value if the merchandise is prohibited, restricted or alcoholic beverages) in accordance with 19 CFR 147.3, 147.41, 147.43, 113.62(h) and 113.62(l)(1).

D. Failing to exonerate the United States from risk or loss relating to the expenses incurred regarding the Fair will result in a claim for those expenses per 19 CFR 147.3, 147.33 and 113.62(g).

E. Cancellation standards.

1. There will be no mitigation from any claim made for failure to exonerate the Government from risk or loss per 19 CFR 113.62(g).

2. For failure to use or handle the merchandise in a manner entitling it to duty-free entry, the claim will be cancelled upon payment of an amount between one and five times the loss of revenue (if a revenue loss violation) or upon payment of 5 to 30 percent of value (if no revenue loss is involved) depending on the presence of mitigating or aggravating circumstances.

IV. Guidelines for Cancellation of Claims When Petitions for Relief Are Filed Untimely (Revision of Section X of T.D. 94-38 Guidelines)

A. Petitions may be accepted at the discretion of the Fines, Penalties & Forfeitures Officer at any time prior to commencement of any sanctioning action against a bond principal or the issuance of any notice to show cause against a surety.

B. If a petition is received untimely, Customs will first consider the petition as though it had been filed timely and shall determine the amount of mitigation that would have been afforded in the case had the petition been filed timely. For purposes of these guidelines, this determination shall be known as the "base amount."

C. Once the base amount has been determined, Customs shall charge an additional amount in excess of the base amount by calculating the number of calendar days that the petition is late and charging an additional mitigation amount of 0.1 percent (.001) per day. In no case will the additional amount be less than \$400.

D. If the bond principal fails to file a petition during the time period provided by regulation, but then files a petition during the period in which the surety, by regulation, could file a petition, that petition will be considered as a late petition. The number of days late shall be calculated from the end of the 60-day petitioning period afforded to the principal. The demand on surety will be considered as an additional demand.

NOTE: For purposes of all bond cancellation standards, the term value shall mean value as determined under 19 U.S.C. 1401a.

V. Guidelines for Cancellation of Claims Arising From Breach of ATA or TECRO/AIT Carnets

A. Assessment of claims.

1. Articles entered under an ATA or TECRO/AIT carnet must be re-exported or destroyed prior to the expiration of the carnet period.

2. Failure to re-export or destroy those articles in the time period prescribed will result in the assessment of liquidated damages in an amount equal to 110 percent of the duties due on the articles.

3. The term "duties" does not include Merchandise Processing Fees or Harbor Maintenance Taxes for carnet claim assessment purposes.

4. All claims will be assessed against the guaranteeing association, the United States Council for International Business (USCIB).

5. No claim may be established more than one year after the expiration of the period for which the carnet was valid.

B. Petitions for relief.

1. Petitions for relief must be filed within 6 months of the date of the claim (the date of the CF-5955A).

2. The petition must provide proof of re-exportation or destruction of the articles.

3. If no petition is submitted in the 6-month period, the USCIB must provide full payment of the claim.

4. Such payment must be made within 30 days from the end of the 6-month period.

5. The USCIB will then have 90 days from the date of payment to submit adequate proof of re-exportation or destruction in order to receive a refund.

C. Proof of re-exportation or destruction; regularization fees.

1. The ATA Convention allows Customs officials to charge a regularization fee for assisting the foreign issuing association in avoiding the liquidated damages. The regularization fee is a service fee and is not liquidated damages. Regularization fees will be charged as described herein.

2. If the petitioner provides a re-exportation counterfoil, unconditionally discharged by Customs, then the claim will be closed without payment. If payment of liquidated damages has been made, then a full refund shall be afforded. The term "unconditionally discharged" means that no remarks were noted by a Customs officer in the appropriate sections of the counterfoil.

3. If the petition provides an appropriate importation carnet voucher signed by a foreign Customs officer, the claim will then be regularized upon payment of \$50.

4. If the petitioner provides any other acceptable proof of re-exportation or destruction, then the claim will be regularized upon payment of \$100.

5. Small dollar value carnets. If the assessed amount for breach of a carnet is \$100 or less (including carnets for zero duties), the claim still must be assessed. It is possible, based upon the type of proof of re-exportation or destruction provided, that payment of a regularization fee in excess of the assessed liquidated damages amount could occur. Unlike other liquidated damages claims, the amount of the bond does not limit liability for payment of the regularization fee, which is a fee for service. (See section F. below)

D. Partial re-exportation or destruction.

1. In any situation where partial re-exportation or destruction occurs, if that re-exportation or destruction occurs within the carnet period and proof of re-exportation or destruction other than an unconditional discharge by a Customs officer is provided, Customs will collect a regularization fee with regard to that portion of merchandise for which adequate proof of re-exportation or destruction is provided.

2. If the partial re-exportation or destruction occurs beyond the carnet period, mitigation may be afforded (see Section E. below).

3. Full liquidated damages will be charged on that portion of the merchandise for which neither proof of re-exportation or destruction is provided. Partial liquidated damages and a regularization fee could be collected in closure of the same carnet.

4. If a re-exportation counterfoil showing an unconditional discharge as to part of a shipment of merchandise is provided timely, no collection will be made as to that merchandise.

E. Late Re-Exportation.

1. If merchandise is re-exported (or destroyed) after the one-year period and a re-exportation counterfoil indicating unconditional discharge by a Customs officer is provided timely, the claim shall be cancelled without payment.

2. If merchandise is re-exported (or destroyed) 180 days or more after the expiration of the carnet period and a re-exportation counterfoil indicating an unconditional discharge by a Customs officer is not provided, no relief from the claim shall be afforded.

3. If merchandise is re-exported (or destroyed) more than 90 days but less than 180 days after the expiration of the carnet period and adequate proof of re-exportation or destruction other than a re-exportation counterfoil with an unconditional discharge by a Customs officer is provided, the claim for liquidated damages may be cancelled upon payment of 50 percent of the liquidated damages assessed amount but not less than \$100.

4. If merchandise is re-exported (or destroyed) 90 days or less after the expiration of the carnet period and adequate proof of re-exportation or destruction other than an exportation counterfoil with an unconditional discharge by a Customs officer is provided, the claim for liquidated damages may be cancelled upon payment of 25 percent of the claim but not less than \$50.

F. Late Re-Exportation of Duty Free and Zero Duty Merchandise.

1. If merchandise is duty free or has a zero duty rate, claims for liquidated damages should still be assessed.

2. Claims for duty free and zero duty carnets will be processed in accordance with these guidelines.

G. Issuance of claims.

1. If a claim is received by the USCIB after the one-year period has expired, the claim will not be pursued.

2. Claims issued by Customs more than 30 days prior to the end of the one-year period will be presumed to be timely.

3. Claims should be issued by Customs as promptly as possible after discovery.

U.S. Customs Service

General Notices

PROPOSED COLLECTION; COMMENT REQUEST

ENTRY AND MANIFEST OF MERCHANDISE FREE OF DUTY

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Entry and Manifest of Merchandise Free of Duty. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1426.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms

of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Entry and Manifest of Merchandise Free of Duty

OMB Number: 1515-0051

Form Number: Customs Form 7523

Abstract: Customs Form 7523 is used by carriers and importers as a manifest for the entry of merchandise free of duty under certain condition and by Customs to authorize the entry of such merchandise. It is also used by carriers to show that the articles being imported are to be released to the importer or consignee.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 4,950

Estimated Time Per Respondent: 1 hour and 40 minutes

Estimated Total Annual Burden Hours: 8,247

Estimated Total Annualized Cost on the Public: \$123,700

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19475)]

PROPOSED COLLECTION; COMMENT REQUEST

PETITION FOR REMISSION OR MITIGATION

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Petition for Remission or Mitigation. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Petition for Remission or Mitigation

OMB Number: 1515-0052

Form Number: Customs Form 4609

Abstract: Persons who's property is seized or who incur monetary penalties due to violations of the Tariff Act are entitled to seek remission or mitigation by means of an informal appeal. This form gives the violator the opportunity to claim mitigation and provides a record of such administrative appeals.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 28,000

Estimated Time Per Respondent: 14 minutes

Estimated Total Annual Burden Hours: 6,500

Estimated Annualized Cost to the Public: \$157,300

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19475)]

PROPOSED COLLECTION; COMMENT REQUEST

CERTIFICATE OF ORIGIN

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Certificate of Origin. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Certificate of Origin

OMB Number: 1515-0055

Form Number: Customs Form 3229

Abstract: This certification is required to determine whether an importer is entitled to duty-free for goods which are the growth or product

of a U.S. insular possession and which contain foreign materials representing no more than 70 percent of the goods total value.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 10

Estimated Time Per Respondent: 20 minutes

Estimated Total Annual Burden Hours: 113

Estimated Total Annualized Cost on the Public: \$1,030

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19476)]

PROPOSED COLLECTION; COMMENT REQUEST

SHIP'S STORES DECLARATION

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Ship's Stores Declaration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of

information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Ship's Stores Declaration

OMB Number: 1515-0059

Form Number: Customs Form 1303

Abstract: This collection is required for audit cargo purposes to ensure that goods used for Ship's Stores can be easily distinguished from other cargo and retain duty free status.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 104,000

Estimated Time Per Respondent: 13 minutes

Estimated Total Annual Burden Hours: 26,000

Estimated Total Annualized Cost on the Public: \$516,360

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19476)]

PROPOSED COLLECTION; COMMENT REQUEST**MASTER'S OATH ON ENTRY OF VESSEL IN FOREIGN TRADE**

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Customhouse Brokers License and Permit. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Master's Oath on Entry of Vessel in Foreign Trade

OMB Number: 1515-0060

Form Number: Customs form 1300

Abstract: The license permit application is used by individuals, corporations, partnerships or associations applying for initial licensing in one Customs district, or in applying for a permit in an additional Customs district, or applying for a National Permit after receiving prior licensing.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 12,000

Estimated Time Per Respondent: 5 minutes

Estimated Total Annual Burden Hours: 21,991

Estimated Total Annualized Cost on the Public: \$314,470

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19477)]

PROPOSED COLLECTION; COMMENT REQUEST

REPORT OF DIVERSION

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Report of Diversion. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical util-

ity; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Report of Diversion

OMB Number: 1515-0071

Form Number: Customs form 25

Abstract: Customs uses CF 26 to track vessels traveling coastwise from U.S. ports to other U.S. ports when a change occurs in scheduled itineraries. This is required for enforcement of the Jones Act (46 U.S.C. App. 883) and for continuity of vessel manifest information and permits to proceed actions.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 2800

Estimated Time Per Respondent: 5 minutes

Estimated Total Annual Burden Hours: 233

Estimated Total Annualized Cost on the Public: \$3383

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19477)]

PROPOSED COLLECTION; COMMENT REQUEST

CUSTOMHOUSE BROKERS LICENSE AND PERMIT

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Customhouse Brokers License and Permit. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Customhouse Brokers License and Permit

OMB Number: 1515-0076

Form Number: Customs form 3124

Abstract: The license permit application is used by individuals, corporations, partnerships or associations applying for initial licensing in one Customs district, or in applying for a permit in an additional Customs district, or applying for a National Permit after receiving prior licensing.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 1,800

Estimated Time Per Respondent: 1 hour

Estimated Total Annual Burden Hours: 1,800

Estimated Total Annualized Cost on the Public: \$28,350

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19478)]

PROPOSED COLLECTION; COMMENT REQUEST

ESTABLISHMENT OF A CONTAINER STATION

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Establishment of a Container Station. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical util-

ity; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Establishment of a Container Station

OMB Number: 1515-0117

Form Number: N/A

Abstract: This collection is an application to establish a container station for the vaning and devaning of cargo.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 177

Estimated Time Per Respondent: 2 hours

Estimated Total Annual Burden Hours: 354

Estimated Total Annualized Cost on the Public: \$4,672.00

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19478)]

PROPOSED COLLECTION; COMMENT REQUEST

ESTABLISHMENT OF A BONDED WAREHOUSE

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Establishment of a Bonded Warehouse. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Establishment of a Bonded Warehouse

OMB Number: 1515-0121

Form Number: N/A

Abstract: Owners or lessees desiring to establish a bonded warehouse must make written application to the port director where the warehouse is located. The application must state warehouse location, describe the premises and indicate the class of bonded warehouse permit desired.

These requirements are pursuant to 19 U.S.C. 1555, 1556 and 19 CFR 19.2.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 45

Estimated Time Per Respondent: 3 hours

Estimated Total Annual Burden Hours: 135

Estimated Total Annualized Cost on the Public: \$2,227

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19479)]

PROPOSED COLLECTION; COMMENT REQUEST

APPLICATION FOR BONDING OF SMELTING AND REFINING WAREHOUSES

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Application for Bonding of Smelting and Refining Warehouses. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of

information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application for Bonding of Smelting and Refining Warehouses

OMB Number: 1515-0127

Form Number: N/A

Abstract: A manufacturer engaged in smelting or refining, or both, of metal-bearing materials as provided for in Section 312, Tariff Act of 1930, as amended, may make application to the port director nearest the plant location, for the bonding of such plants pursuant to 19 U.S.C. 1312 and 19 CFR 19.17(a).

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 1

Estimated Time Per Respondent: 8

Estimated Total Annual Burden Hours: 8

Estimated Total Annualized Cost on the Public: \$154.88

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19479)]

PROPOSED COLLECTION; COMMENT REQUEST

APPLICATION TO RECEIVE FREE MATERIALS IN A BONDED MANUFACTURING WAREHOUSE

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Application to Receive Free Materials in a Bonded Manufacturing Warehouse. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Application to Receive Free Materials in a Bonded Manufacturing Warehouse

OMB Number: 1515-0133

Form Number: N/A

Abstract: The proprietor of a bonded manufacturing warehouse must make application to the port director of Customs to receive therein any

domestic merchandise, except merchandise subject to Internal Revenue Tax, which is to be used in connection with the manufacture of articles permitted to be manufactured in such a warehouse.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 8

Estimated Time Per Respondent: 375 hours

Estimated Total Annual Burden Hours: 3,000

Estimated Total Annualized Cost on the Public: \$52,800

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19480)]

PROPOSED COLLECTION; COMMENT REQUEST

BONDED WAREHOUSES—ALTERATIONS, SUSPENSIONS, RELOCATIONS, AND DISCONTINUANCE

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Bonded Warehouses—Alterations, Suspensions, Relocations, and Discontinuance. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104–13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927–1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant

to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Bonded Warehouses—Alterations, Suspensions, Relocations, and Discontinuance

OMB Number: 1515-0134

Form Number: N/A

Abstract: Alterations to, or relocation of, a bonded warehouse may be made with the permission of the port director in whose port the facility is located by submission of an application by the warehouse proprietor to alter or relocate the warehouse.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 110

Estimated Time Per Respondent: 2 hours

Estimated Total Annual Burden Hours: 193

Estimated Total Annualized Cost on the Public: \$4,246

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19480)]

PROPOSED COLLECTION; COMMENT REQUEST**PERMIT TO TRANSFER CONTAINERS TO A CONTAINER STATION**

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Permit to Transfer Containers to a Container Station. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Permit to Transfer Containers to a Container Station

OMB Number: 1515-0138

Form Number: N/A

Abstract: This information collection is needed in order for a container station operator to receive a permit to transfer a container or contain-

ers to a container station, he/she must furnish a list of names, addresses, etc., of the persons employed by them upon demand by Customs officials.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 1,200

Estimated Time Per Respondent: 20 minutes

Estimated Total Annual Burden Hours: 400

Estimated Annualized Cost to the Public: \$8,700

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19481)]

PROPOSED COLLECTION; COMMENT REQUEST

CARGO CONTAINER AND ROAD VEHICLE CERTIFICATION FOR TRANSPORT UNDER CUSTOMS SEAL

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Cargo Container and Road Vehicle Certification For Transport Under Customs Seal. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant

to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Cargo Container and Road Vehicle Certification for Transport Under Customs Seal

OMB Number: 1515-0145

Form Number: N/A

Abstract: This information collection is used in a voluntary program to receive internationally-recognized Customs certification that inter-model container/road vehicles meet construction requirements of international Customs conventions. Such certification facilitates International trade by reducing intermediate international controls.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 880

Estimated Time Per Respondent: 3.5 hours

Estimated Total Annual Burden Hours: 3080

Estimated Annualized Cost to the Public: \$37,500

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19481)]

PROPOSED COLLECTION; COMMENT REQUEST

LINE RELEASE REGULATIONS

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Line Release Regulations. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Line Release Regulations

OMB Number: 1515-0181

Form Number: N/A

Abstract: Line release was developed to release and track high volume and repetitive shipments using bar code technology and PCS. An ap-

plication is submitted to Customs by the filer and a common commodity classification code (C4) is assigned to the application.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 25,700

Estimated Time Per Respondent: 15 minutes

Estimated Total Annual Burden Hours: 6,425

Estimated Total Annualized Cost on the Public: \$452,375

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19482)]

PROPOSED COLLECTION; COMMENT REQUEST

AIR WAYBILL

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Use of Air Waybill as In-Bond Document. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant

to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Use of Air Waybill as In-Bond Document

OMB Number: 1515-0186

Form Number: CF 7512

Abstract: This information collection is used by Customs to identify the delivering carrier, whether or not it is the initial bonded carrier, to surrender the in-bond document and serve notice of its arrival.

Current Actions: This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 31,200

Estimated Time Per Respondent: 2 minutes

Estimated Total Annual Burden Hours: 1,030

Estimated Annualized Cost to the Public: \$10,300

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19483)]

PROPOSED COLLECTION; COMMENT REQUEST**DOCUMENTATION REQUIREMENTS FOR ARTICLES ENTERED
UNDER VARIOUS SPECIAL TARIFF TREATMENT PROVISIONS**

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Documentation Requirements for Articles Entered Under Various Special Tariff Treatment Provisions. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Documentation Requirements for Articles Entered Under Various Special Tariff Treatment Provisions

OMB Number: 1515-0194

Form Number: N/A

Abstract: This collection is used to ensure revenue collections and to provide duty free entry of merchandise eligible for reduced duty treatment under provisions of HTUSA.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Businesses, Individuals, Institutions

Estimated Number of Respondents: 750

Estimated Time Per Respondent: 30 minutes

Estimated Total Annual Burden Hours: 450

Estimated Total Annualized Cost on the Public: \$8,600

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19483)]

PROPOSED COLLECTION; COMMENT REQUEST

PASSENGER AND CREW MANIFEST FOR PASSENGER FLIGHTS

AGENCY: U.S. Customs, Department of the Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the Passenger and Crew Manifest for Passenger Flights. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3506(c)(2)(A)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant

to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Passenger and Crew Manifest for Passenger Flights

OMB Number: 1515-0232

Form Number: N/A

Abstract: This collection is to comply with a new section of the Customs Regulations (Part 122.49(a)) which requires transmission of manifest information to Customs for passenger flights.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)

Affected Public: Business or other for-profit institutions

Estimated Number of Respondents: 200

Estimated Time Per Respondent: 10 seconds

Estimated Total Annual Burden Hours: 2380

Estimated Annualized Cost to the Public: \$35,700

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19485)]

PROPOSED COLLECTION; COMMENT REQUEST

AUTOMATED CLEARINGHOUSE CREDIT

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning Automated Clearinghouse Credit. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Attn.: Tracey Denning, 1300 Pennsylvania Avenue, NW, Room 3.2C, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information should be directed to U.S. Customs Service, Attn.: Tracey Denning, 1300 Pennsylvania Avenue NW, Room 3.2C, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: Automated Clearinghouse Credit

OMB Number: 1515-0218

Form Number: N/A

Abstract: The information is to be used by Customs to send information to the company (such as revised format requirements) and to contact participating companies if there is a payment problem.

Current Actions: There are no changes to the information collection. This submission is being submitted to extend the expiration date.

Type of Review: Extension (without change)
Affected Public: Businesses, Individuals, Institutions
Estimated Number of Respondents: 65
Estimated Time Per Respondent: 5 minutes
Estimated Total Annual Burden Hours: 249
Estimated Total Annualized Cost on the Public: \$4395.85
Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19484)]

PROPOSED COLLECTION; COMMENT REQUEST

U.S. CUSTOMS DECLARATION (CUSTOMS FORM 6059B)

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork and respondent burden, Customs invites the general public and other Federal agencies to comment on an information collection requirement concerning the U.S. Customs Declaration. This request for comment is being made pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)).

DATES: Written comments should be received on or before June 18, 2002, to be assured of consideration.

ADDRESS: Direct all written comments to U.S. Customs Service, Information Services Group, Room 3.2.C, 1300 Pennsylvania Avenue, NW, Washington, D.C. 20229.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of the form and instructions should be directed to U.S. Customs Service, Attn.: Tracey Denning, Rm 3.2.C, 1300 Pennsylvania Avenue NW, Washington, D.C. 20229, Tel. (202) 927-1429.

SUPPLEMENTARY INFORMATION:

Customs invites the general public and other Federal agencies to comment on proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (Public Law 104-13; 44 U.S.C. 3505(c)(2)). The comments should address: (1) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; (b) the accuracy of the agency's estimates of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of

the information to be collected; (d) ways to minimize the burden including the use of automated collection techniques or the use of other forms of information technology; and (e) estimates of capital or start-up costs and costs of operations, maintenance, and purchase of services to provide information. The comments that are submitted will be summarized and included in the Customs request for Office of Management and Budget (OMB) approval. All comments will become a matter of public record. In this document Customs is soliciting comments concerning the following information collection:

Title: U.S. Customs Declaration

OMB Number: 1515-0041

Form Number: Customs Form 6059B

Abstract: The U.S. Customs Declaration, Customs Form 6059B, facilitates the clearance of persons and their goods arriving in the territory on the U.S. by requiring basic information necessary to determine Customs exception status and if any duties of taxes are due. The form is also used for the enforcement of Customs and other agencies laws and regulations.

Current Actions: This information collection includes some increases due to new information that will be collected. This submission is being submitted as a revision to a current collection.

Type of Review: Revision to an existing collection

Affected Public: Traveling public

Estimated Number of Respondents: 60,000,000

Estimated Time Per Respondent: 4 minutes

Estimated Total Annual Burden Hours: 3,960,000

Estimated Total Annualized Cost on the Public: N/A

Dated: April 15, 2002.

TRACEY DENNING,
Information Services Group.

[Published in the Federal Register, April 19, 2002 (67 FR 19484)]

DATES AND DRAFT AGENDA OF THE TWENTY-NINTH SESSION OF THE HARMONIZED SYSTEM COMMITTEE OF THE WORLD CUSTOMS ORGANIZATION

AGENCIES: U.S. Customs Service, Department of the Treasury, and U.S. International Trade Commission.

ACTION: Publication of the dates and draft agenda for the twenty-ninth session of the Harmonized System Committee of the World Customs Organization.

SUMMARY: This notice sets forth the dates and draft agenda for the next session of the Harmonized System Committee of the World Customs Organization.

FOR FURTHER INFORMATION CONTACT: Myles B. Harmon, Director, International Agreements Staff, U.S. Customs Service (202-927-2255), or Eugene A. Rosengarden, Director, Office of Tariff Affairs and Trade Agreements, U.S. International Trade Commission (202-205-2592).

SUPPLEMENTARY INFORMATION:

BACKGROUND

The United States is a contracting party to the International Convention on the Harmonized Commodity Description and Coding System ("Harmonized System Convention"). The Harmonized Commodity Description and Coding System ("Harmonized System"), an international nomenclature system, form the core of the U.S. tariff, the Harmonized Tariff Schedule of the United States. The Harmonized System Convention is under the jurisdiction of the World Customs Organization (established as the Customs Cooperation Council).

Article 6 of the Harmonized System Convention establishes a Harmonized System Committee ("HSC"). The HSC is composed of representatives from each of the contracting parties to the Harmonized System Convention. The HSC's responsibilities include issuing classification decisions on the interpretation of the Harmonized System. Those decisions may take the form of published tariff classification opinions concerning the classification of an article under the Harmonized System or amendments to the Explanatory Notes to the Harmonized System. The HSC also considers amendments to the legal text of the Harmonized System. The HSC meets twice a year in Brussels, Belgium. The next session of the HSC will be the twenty-ninth, and it will be held from May 22-31, 2002.

In accordance with section 1210 of the Omnibus Trade and Competitiveness Act of 1988 (Pub. L. 100-418), the Department of the Treasury, represented by the U.S. Customs Service, the Department of Commerce, represented by the Census Bureau, and the U.S. International Trade Commission ("IT"), jointly represent the U.S. government at the sessions of the HSC. The Customs Service representative serves as the head of the delegation at the sessions of the HSC.

Set forth below is the draft agenda for the next session of the HSC. Copies of available agenda-item documents may be obtained from either the Customs Service or the ITC. Comments on agenda items may be directed to the above-listed individuals.

Dated: April 17, 2002.

MYLES B. HARMON,
Director,
International Agreements Staff.

[Attachment]

DRAFT AGENDA FOR THE TWENTY-NINTH
SESSION OF THE HARMONIZED SYSTEM COMMITTEE

Wednesday, May 22 (3 p.m.) to Friday, May 31, 2002

N.B.: Tuesday, May 21, 2002

10 a.m. – 6 p.m. Presessional Working Party (to examine the questions under Agenda Item VII)

Wednesday, May 22, 2002

9:30 a.m. – 11 a.m. Adoption of the Report of the Presessional Working Party

11:30 a.m. – 1 p.m. Adoption of the Report of the 25th Session of the Review Sub-Committee

I.

ADOPTION OF THE AGENDA

- | | |
|--------------------------|----------|
| 1. Draft Agenda | NC0512E2 |
| 2. Draft Timetable | NC0513B1 |

II.

REPORT BY THE SECRETARIAT

- | | |
|--|----------------------|
| 1. Position regarding Contracting Parties to the HS Convention and related matters | NC0514E1 |
| 2. Progress report on the implementation of the 2002 edition of the Harmonized System | NC0515E1 |
| 3. Report on the meeting of the Policy Commission (46th Session) | NR0209E1 |
| 4. Approval of decisions taken by the Harmonized System Committee at its 28th Session | NG0033E1
NC0516E1 |
| 5. Technical assistance activities of the Nomenclature and Classification Sub-Directorate | NC0518E1 |
| 6. Co-operation with other international organisations | NC0519E1 |
| 7. Co-operation with the Technical Committee on Rules of Origin | NC0520E1 |
| 8. New information provided on the WCO Web site | NC0521E1 |
| 9. Annual survey to determine the percentage of national revenue represented by Customs duties | NC0522E1 |
| 10. Survey on Free Trade Agreements | NC0523E1 |
| 11. Corrigendum to the Third Edition (2002) of the HS Explanatory Notes | NC0524E1 |
| 12. Other | |

III.

GENERAL QUESTIONS

- | | |
|---|----------|
| 1. Proposed amendment of the Compendium of Classification Opinions .. | NC0525E1 |
| 2. Use of references to specific administrations in future reports of the Harmonized System Committee | NC0526E1 |
| 3. Establishment of a correlation between the Harmonized System and the WTO instruments and agreements | NC0527E1 |
| 4. How should the HS Committee deal with the classification of products that are no longer being manufactured but are still being traded internationally? | NC0528E1 |
| 5. Terms of reference and work plans for the HS Committee, its subcommittees and Working Party | NC0569E1 |

IV.

RECOMMENDATIONS

- | | |
|---|----------|
| 1. Draft Recommendation of the Customs Co-operation Council on the insertion in national statistical nomenclatures of subheadings to facilitate the monitoring and control of products specified in the draft Protocol concerning firearms covered by the UN Convention against transnational organized crime | NC0529E1 |
|---|----------|

V.

REPORT OF THE SCIENTIFIC SUB-COMMITTEE

- | | |
|---|----------|
| 1. Report of the 17th Session of the Scientific Sub-Committee | NS0060E2 |
| 2. Matters for decision by the Harmonized System Committee | NC0530E1 |
| 3. Classification of new INN products (WHO Lists 84 and 85) | NC0570E1 |

VI.

REPORT OF THE HS REVIEW SUB-COMMITTEE

- | | |
|--|----------|
| 1. Report of the 25th Session of the HS Review Sub-Committee | NR0265E2 |
| 2. Matters for decision by the Harmonized System Committee | NC0531E1 |

VII.

REPORT OF THE PRESESSIONAL WORKING PARTY

- | | |
|---|----------|
| 1. Amendments to the Explanatory Notes arising from the classification of fresh strawberries preserved by means of a protective gas in subheading 0810.10 | NC0532E1 |
| 2. Amendments to the Compendium of Classification Opinions arising from the classification of a mixed grease product in subheading 1517.90 | NC0533E1 |
| 3. Amendments to the Compendium of Classification Opinions arising from the classification of a vitamin preparation in subheading 2106.90 .. | NC0534E1 |
| 4. Amendments to the Compendium of Classification Opinions arising from the classification of a reinforcement grid called "Fortrac 35/35-40" in subheading 3926.90 | NC0535E1 |
| 5. Amendments to the Compendium of Classification Opinions and the Explanatory Notes arising from the classification of certain repeaters used in LAN systems in subheading 8471.80 | NC0536E1 |
| 6. Amendments to the Compendium of Classification Opinions arising from the classification of a radio equipment (transmitter/receiver) assembly in subheading 8525.20 | NC0537E1 |
| 7. Amendments to the Compendium of Classification Opinions arising from the classification of a passenger motor vehicle with a "hybrid" power system in subheading 8703.22 | NC0538E1 |
| 8. Amendments to the Compendium of Classification Opinions arising from the classification of foot-propelled scooters in subheading 9501.00 | NC0539E1 |

VIII.

FURTHER STUDIES

- | | |
|---|----------------------------------|
| 1. Guidelines with regard to the possible application of GIRs 3 (a) and 3 (c) in the context of the classification of certain chemical products | NC0540E1 |
| 2. Classification of concentrated milk with added sugar | NC0541E1 |
| 3. Possible amendments to the Explanatory Notes with a view to clarifying the classification of vitamin preparations | NC0542E1 |
| 4. Classification of a medicated bone graft substitute called "OSTEOSET™" | NS0059E1
(SSC/17)
NC0562E1 |
| 5. Classification of certain modified starches or sizing preparations | NC0543E1 |

FURTHER STUDIES—Continued

6. Classification of certain acid-added clay products	NS0045E1 (SSC/17) NC0404E1 (HSC/27) NC0563E1
7. Possible amendments to the Explanatory Notes to Chapter 48 to clarify the classification of so-called "photo-copying" paper (Proposal by the <i>Egyptian</i> Administration)	NC0488E1 (HSC/28) NC0544E1 NC0577E1
8. Possible amendments to the Explanatory Notes with regard to various women's and girls' garments	NC0393E1 NC0413E1 NC0414E1 NC0418E1 NC0429E1 (HSC/27) NC0453E1 NC0503E1 (HSC/28) NC0572E1 NC0567E1
9. Classification of the " <i>Palm V</i> " presented as a set with cradle and installation software	NC0545E1
10. Classification of DVD drives and DVD players, including game players	NC0546E1
11. Possible amendments to the Explanatory Notes to clarify the classification of certain electronic memory modules (SIMMs and DIMMs)	NC0547E1
12. Possible amendments to the Explanatory Notes with a view to clarifying the classification of laundry type and industrial washing machines	NC0548E1
13. Classification of flash electronic storage cards	NC0549E1 NC0566E1
14. Classification of MP3 players	NC0550E1
15. Classification of safety seats for infants and toddlers	NC0423E1 (HSC/27) NC0551E1
16. Possible amendment of the Explanatory Notes to clarify the classification of foot-propelled scooters	NC0552E1
17. Classification of grounding rods	NC0307E1 (HSC/26) NC0582E1

IX.

NEW QUESTIONS

1. Possible amendments to the Explanatory Notes to headings 01.05 and 01.06 with regard to geese, ducks, wild geese and wild ducks (Proposal by the <i>Norwegian</i> Administration)	NC0564E1
2. Possible amendment of the Explanatory Note to heading 04.06 (Proposal by the EC)	NC0553E1
3. Classification of " <i>Mosstanol L</i> "	NC0555E1
4. Classification of a polyurethane resin in dimethyl formamide	NC0554E1
5. Possible amendment of Classification Opinion 3907.20/1 (Proposal by the <i>Canadian</i> Administration)	NC0565E1
6. Classification of certain panels of wood	NC0556E1
7. Classification of quilted, decorative pillow coverings (shams)	NC0559E1
8. Classification of certain stationery sets	NC0560E1
9. Classification of sliding doors for lifts (elevators)	NC0557E1

NEW QUESTIONS—Continued

10. Classification of "roller shoes"	NC0558E1
11. Possible contradiction between the Explanatory Notes to and legal text of heading 85.36	NC0561E1 NC0568B1
12. Classification of milk substitutes for coffee called "Vana Blanca 35T" and "Non Dairy Creamer 23H"	NC0571E1
13. Classification of a machine called "NOACK 900 BLISTER PACKER" (NOACK 900)	NC0574E1
14. Classification of an electrostatic chuck and distinction between chucks of headings 84.86 and 85.05	NC0575E1
15. Classification of a "hydraulic salt/sand spreader" for clearing snow from roads	NC0576E1
16. Possible amendments to the Nomenclature regarding the classification of cameras	NC0578E1
17. Use of the terms "hygienic", "sanitary" and "toilet"	NC0579E1
18. Classification of banknote substrates of plastics	NC0580E1
19. Classification of pumicing blocks in connection with the possible amendment of the Explanatory Note to heading 40.16 ..	NC0581E1

X.

OTHER BUSINESS

1. List of questions which might be examined at a future session	NC0573E1
--	----------

XI.

ELECTIONS

XII.

DATES OF NEXT SESSIONS

DEPARTMENT OF THE TREASURY,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
Washington, DC, April 17, 2002.

The following documents of the United States Customs Service, Office of Regulations and Rulings, have been determined to be of sufficient interest to the public and U.S. Customs Service field offices to merit publication in the CUSTOMS BULLETIN.

DOUGLAS M. BROWNING,
*Acting Assistant Commissioner,
Office of Regulations and Rulings.*

PROPOSED REVOCATION OF RULING LETTER AND
TREATMENT RELATING TO TARIFF CLASSIFICATION OF
GUN BOOT SKINS

AGENCY: U.S. Customs Service; Department of the Treasury.

ACTION: Notice of proposed revocation of a tariff classification ruling letter and treatment relating to the classification of textile gun boot skins.

SUMMARY: Pursuant to section 625(c), Tariff Act of 1930 (19 U.S.C. 1625(c)), this notice advises interested parties that Customs intends to revoke New York Ruling Letter (NY) E89014, relating to the tariff classification under the Harmonized Tariff Schedule of the United States Annotated (HTSUSA), of textile gun boot skins. Similarly, Customs proposes to revoke any treatment previously accorded by it to substantially identical merchandise that is contrary to the position set forth in this notice. Comments are invited on the correctness of the intended actions.

DATE: Comments must be received on or before May 31, 2002.

ADDRESS: Written comments are to be addressed to U.S. Customs Service, Office of Regulations and Rulings, Attention: Regulations Branch, 1300 Pennsylvania Avenue, N.W., Washington, D.C. 20229. Submitted comments may be inspected at the same location during regular business hours.

FOR FURTHER INFORMATION CONTACT: Shirley Greitzer, Textiles Branch: (202) 927-1695.

SUPPLEMENTARY INFORMATION:

BACKGROUND

On December 8, 1993, Title VI, (Customs Modernization), of the North American Free Trade Agreement Implementation Act (Pub. L.

103-182, 107 Stat. 2057) (hereinafter "Title VI"), became effective. Title VI amended many sections of the Tariff Act of 1930, as amended, and related laws. Two new concepts which emerge from the law are "**informed compliance**" and "**shared responsibility**." These concepts are premised on the idea that in order to maximize voluntary compliance with Customs laws and regulations, the trade community needs to be clearly and completely informed of its legal obligations. Accordingly, the law imposes a greater obligation on Customs to provide the public with improved information concerning the trade community's responsibilities and rights under the Customs and related laws. In addition, both the trade and Customs share responsibility in carrying out import requirements. For example, under section 484 of the Tariff Act of 1930, as amended (19 U.S.C. §1484), the importer of record is responsible for using reasonable care to enter, classify and value imported merchandise, and provide any other information necessary to enable Customs to properly assess duties, collect accurate statistics and determine whether any other applicable legal requirement is met.

Pursuant to section 625(c)(1), Tariff Act of 1930 (19 U.S.C. 1625(c)(1)), as amended by section 623 of Title VI, this notice advises interested parties that Customs intends to revoke one ruling relating to the tariff classification of gun boot skins. Although in this notice Customs is specifically referring to the revocation of New York decision (NY) E89014, dated December 1, 1999, (attachment A), this notice covers any rulings on this merchandise which may exist but have not been specifically identified. Customs has undertaken reasonable efforts to search existing data bases for rulings in addition to the one identified. No further rulings have been found. Any party who has received an interpretive ruling or decision (i.e., ruling letter, internal advice memorandum or decision or protest review decision) on the merchandise subject to this notice, should advise Customs during this notice period.

Similarly, pursuant to section 625(c)(2), Tariff Act of 1930 (19 U.S.C. 1625(c)(2)), as amended by section 623 of Title VI, Customs intends to revoke any treatment previously accorded by Customs to substantially identical merchandise. This treatment may, among other reasons, be the result of the importer's reliance on a ruling issued to a third party, Customs personnel applying a ruling of a third party to importations of the same or similar merchandise, or the importer's or Customs previous interpretation of the HTSUSA. Any person involved with substantially identical merchandise should advise Customs during this notice period. An importer's failure to advise Customs of substantially identical merchandise or of a specific ruling not identified in this notice, may raise issues of reasonable care on the part of the importer or their agents for importations of merchandise subsequent to the effective date of the final decision on this notice.

In NY E89014, Customs classified a gun boot skin constructed of thin polyester lycra fabric, under heading 4202, HTSUSA, which provides for, among other things, gun cases, holsters, and similar containers.

Customs has reviewed the classification of the gun boot skin and has determined that the cited ruling is in error. Accordingly, we intend to revoke NY E89014 to reflect the proper classification of the goods under subheading 6307.90.9889, HTSUSA, the provision for "Other made up articles. Customs also intends to revoke any other ruling not specifically identified, to reflect the proper classification of the merchandise pursuant to the analysis set forth in proposed HQ 963696 (attachment B). Additionally, pursuant to 19 U.S.C. 1625(c)(2), Customs intends to revoke any treatment previously accorded by Customs to substantially identical merchandise. Before taking this action, consideration will be given to any written comments timely received.

Dated: April 4, 2002.

JOHN ELKINS,
(for John Durant, Director,
Commercial Rulings Division.)

[Attachments]

[ATTACHMENT A]

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE,
New York, NY, December 1, 1999.

CLA-2-42:RR:NC:341:E89014

Category: Classification
Tariff No. 4202.92.9026

MR. TIM PARSONS
PARSONS TRADING
5 Thunderbird Drive
Novato, CA 94947

Re: The tariff classification of a gun container from China.

DEAR MR. PARSONS:

In your letter dated November 15th, 1999, you requested a classification ruling.

The sample submitted with your request is identified as "gun boot skin". A sample number was not indicated in your inquiry. The item is a container that is specially shaped and fitted to hold a gun. It is manufactured wholly of textile material of man-made fibers. The openings of the container are located on the underside and rear of the container and are both secured by hook and loop closures.

The applicable subheading for the "gun boot skin" will be 4202.92.9026, Harmonized Tariff Schedule of the United States (HTS), which provides for gun cases, holsters, and similar containers * * * other of man-made fibers. The duty rate will be 18.8% ad valorem.

Items classifiable under HTS subheading 4202.92.9026 fall within textile category designation 670. Based upon international textile trade agreements products of China are subject to quota and the requirement of a visa.

The designated textile and apparel categories and their quota and visa status are the result of international agreements that are subject to frequent renegotiations and changes. To obtain the most current information, we suggest that you check, close to the time of shipment, the *U.S. Customs Service Textile Status Report*, an internal issuance of the U.S. Customs Service, which is available at the Customs Web site at www.customs.gov. In addition, the designated textile and apparel categories may be subdivided into parts. If so, visa

and quota requirements applicable to the subject merchandise may be affected and should also be verified at the time of shipment.

This ruling is being issued under the provisions of Part 177 of the Customs Regulations (19 C.F.R. 177).

Your sample is being returned as requested.

A copy of the ruling or the control number indicated above should be provided with the entry documents filed at the time this merchandise is imported. If you have any questions regarding the ruling, contact National Import Specialist Kevin Gorman at 212-637-7091.

ROBERT B. SWIERUPSKI,

Director,

National Commodity Specialist Division.

[ATTACHMENT B]

DEPARTMENT OF THE TREASURY

U.S. CUSTOMS SERVICE,

Washington, DC.

CLA-2 RR:CR:TE 963696 SG

Category: Classification

Tariff No. 6307.90.9889

MR. TIM PARSONS

PARSONS TRADING

5 Thunderbird Drive

Novato, CA 94949-5883

Re: Revocation of New York Ruling Letter (NY) E89014, dated December 1, 1999; Gun Boot Skin: Other Made Up Article of Textiles; Storage Bag, Not Traveling Bag; *Totes, Incorporated v. United States*, 18 C.I.T. 919, 865 F. Supp. 867 (1994), aff'd, 69 F.3d 495 (Fed. Cir. 1995).

DEAR MR. PARSONS:

This letter is in response to your letter dated December 27, 1999, in which you requested reconsideration of New York Ruling Letter (NY) E89014, issued on December 1, 1999, in which Customs classified a camouflage printed "gun boot skin" in subheading 4202.92.9026, Harmonized Tariff Schedule of the United States Annotated (HTSUSA), which provides for "Trunks, *** , gun cases, holsters and similar containers; traveling bags, *** , sportsbags, *** and similar containers ***: Other: With outer surface of sheeting of plastic or of textile materials: Other: Other, With outer surface of textile materials: *** Other: Of man-made fibers." Your letter along with a sample was forwarded to this office for our reply. We have reviewed that ruling and have found it to be in error. Therefore, this ruling revokes NY E89014.

Facts:

The merchandise at issue is described as a camouflage dressing for a Gun Boot that is permanently attached to an All Terrain Vehicle (ATV). The Gun Boot is used to hold a rifle/shotgun and is comprised of a hard plastic outer shell with a soft padded interior lining. The Gun Boot is opened by removing a pin directly behind the handle, and the whole "butt" portion comes off to reveal the stock of the rifle/shotgun. The Gun Boot Skin is comprised of two main pieces of textile material both shaped like a bag. One piece is approximately 40 inches long by 9 inches in width at its widest part (and 2½ inches in width at its narrowest); it would be used to slide over the "muzzle" end of the boot. The second piece is approximately 16 inches long by 9 inches in width at its widest part and 7 inches in width at its narrowest part; it would slip over the wider "butt" end of the gun boot. The two pieces are secured together by hook and loop closures and have sewn-in slots that are specifically located at the attachment points of the gun boot to the ATV. The articles are composed of 100 percent stretch polyester lycra knit fabric. At the top inside of the bags, there are a number of strips of Velcro®. We are advised that these strips help to keep the "skin" located most effectively as camouflage. Each bag also contains a slit opening near the nar-

row end. We understand these slots are specifically located at attachment points of the Gun Boot to the ATV. The Gun Boot Skin is merely designed to camouflage the Gun Boot and is not intended as a container. It is claimed that the material is very thin, stretchy, and would neither provide protection to a gun against knocks, water, or dirt. Nor is it intended to carry either a gun or the case; there is no form or handle attached to the Gun Skin, as the material is too light and would rip if it were used to carry a gun.

Issue:

Whether the merchandise is classified in heading 4202, HTSUS, as a traveling bag; in heading 8708, HTSUS, as a motor vehicle part or accessory; or in heading 6307, HTSUS, as an other made up textile article.

Law and Analysis:

Classification under the HTSUS is made in accordance with the General Rules of Interpretation (GRI). GRI 1 provides that the classification of goods shall be determined according to the terms of the headings of the tariff schedule and any relative Section or Chapter Notes. In the event that the goods cannot be classified solely on the basis of GRI 1, and if the headings and legal notes do not otherwise require, the remaining GRI may then be applied. The Explanatory Notes (EN) to the Harmonized Commodity Description and Coding System, which represent the official interpretation of the tariff at the international level, facilitate classification under the HTSUS by offering guidance in understanding the scope of the headings and GRI.

Heading 4202, HTSUS, provides for:

Trunks, suitcases, vanity cases, attache cases, briefcases, school satchels, spectacle cases, binocular cases, camera cases, musical instrument cases, gun cases, holsters and similar containers; traveling bags, insulated food or beverage bags, toiletry bags, knapsacks and backpacks, handbags, shopping bags, wallets, purses, map cases, cigarette cases, tobacco pouches, tool bags, sports bags, bottle cases, jewelry boxes, powder cases, cutlery cases and similar containers, of leather or of composition leather, of sheeting of plastics, of textile materials, of vulcanized fiber, or of paperboard, or wholly or mainly covered with such materials or with paper.

In order to warrant classification under heading 4202, HTSUSA, the gun boot skin must be found to share the fundamental characteristics attributable to containers of heading 4202, HTSUSA. In *Totes, Incorporated v. United States*, 18 C.I.T. 919, 865 F. Supp. 867 (1994), aff'd, 69 F.3d 495 (Fed. Cir. 1995), the Court of International Trade (CIT) examined the classification of automobile trunk organizers (described as bags or cases designed to store trunk necessities such as jumper cables, tire inflator, tools, antifreeze, oil, and other fluids, etc., in a neat and orderly manner) and the application of *ejusdem generis*, to determine whether the organizers were of the same class or kind of containers as the listed 4202 exemplars. The Court found significant disparity in the physical characteristics, purposes, and uses of the individual heading 4202 exemplars, but emphasized that the essential characteristics and purposes of all of the exemplars were to organize, store, protect and carry various items. The capability of the trunk organizers to carry—not to organize, store, and protect—was a central issue in the case. After having stipulated to the fact that the organizers had hefty web handles for easy carrying, the plaintiff subsequently attempted to minimize the organizers' carrying capacity and function. The Court, however, rejected any requirement that the principal design feature of an article classified as a "similar container" under heading 4202 be portability or transportation of the contents.

Like the trunk organizers, the subject textile article is not designed for the transportation of contents. The CIT in *Totes*, recognized that portability is usually an incidental purpose of jewelry boxes and certain tool chests classifiable in heading 4202, HTSUS, but noted that those containers nevertheless retained their primary uses to organize, store and protect articles. However, unlike the trunk organizers—which featured internal movable dividers by which a variety of items could be compartmentalized—the subject gun boot skin shares none of the essential characteristics and purposes of articles of heading 4202, i.e., to organize, store, protect and carry various items. We find that the clear absence of the essential characteristics of heading 4202 exemplars provides no basis upon which to classify the gun boot skin as a "similar container."

Among other goods, heading 8708, HTSUS, covers parts and accessories of motor vehicles. The EN to heading 8708 states that the heading covers parts and accessories of the

motor vehicles of headings 8701 to 8705, provided that the parts and accessories fulfill both of the following conditions:

- (i) They must be identifiable as being suitable for use solely or principally with the above-mentioned vehicles; and
- (ii) They must not be excluded by the provisions of the Notes to Section XVII.

Textile articles used to camouflage gun boots on ATVs are not excluded by the provisions of the Notes to Section XVII. To determine whether the gun boot skin is suitable for use solely or principally with a motor vehicle so as to be classified as a part or accessory, we look to a discussion of the term "part" in *United States v. Willoughby Camera Stores, Inc.* (hereinafter *Willoughby*), 21 C.C.P.A. 322 (1933). The case involved the classification of an imported tripod which was not solely used with cameras and had various other purposes. The Customs Court stated that a part "is an integral, constituent, or component * * * without which the article to which it is to be joined, could not function as such article." In *United States v. Pompeo* (hereinafter *Pompeo*), 43 C.C.P.A. 9 (1955), the issue was whether an imported supercharger was properly considered a part of an automobile. The Government had argued that, because an automobile was able to function with or without it, the supercharger was not a part. The Court disagreed, focusing on the nature of the supercharger, which was "dedicated irrevocably for use upon automobiles," and held that the article was properly classified as a part of an automobile.

The article at issue here does not satisfy the requirements of a "part" under the standards of either *Willoughby* or *Pompeo*, or fulfill the conditions of the EN to heading 8708 for classification as a part or accessory. It is never "joined" to the ATV, is not actually used upon the automobile itself, and does not affect the vehicle's function. Since the bag is used only on the gun boot, it cannot be found to be suitable for use solely or principally with the vehicle. The gun boot skin is therefore not classified as a part or accessory of a motor vehicle. (But see NY 873356, issued April 21, 1992, and NY 864763, issued July 8, 1991, in which an automobile trunk cover and an article specifically designed and fitted to cover the windows and roof of a Chevrolet Corvette automobile, respectively, were classified under heading 8708, HTSUS. Unlike the subject textile article, however, each of those items was intended for attachment directly to, and suitable for use solely or principally with, a motor vehicle.)

Heading 6307, HTSUS, covers other made up textile articles, including dress patterns. The EN to heading 6307 indicate that the heading covers made up articles of any textile material which are not included more specifically in other headings of Section XI or elsewhere in the Nomenclature. The EN indicate that the heading excludes travel goods (suitcases, rucksacks, etc.), shopping-bags, toilet-cases, etc., and all similar containers of heading 4202. The EN also state, in pertinent part, that the heading includes loose covers for motor-cars, domestic laundry or shoe bags and similar articles. In light of this fact and the foregoing discussion, we find that the gun boot skin is classified in subheading 6307.90.9889, HTSUSA.

Holding:

The Gun Boot Skin, a camouflage dressing for a gun boot permanently attached to an ATV is properly classified in subheading 6307.90.9889, HTSUSA, the provision for "Other made up articles, including dress patterns: Other: Other: Other: Other." The general column one duty rate is 7 percent ad valorem.

NY E89014, issued on December 1, 1999, is hereby revoked.

JOHN DURANT,
Director,
Commercial Rulings Division.

United States Court of International Trade

One Federal Plaza
New York, N.Y. 10278

Chief Judge

Gregory W. Carman

Judges

Jane A. Restani
Thomas J. Aquilino, Jr.
Donald C. Pogue
Evan J. Wallach

Judith M. Barzilay
Delissa A. Ridgway
Richard K. Eaton

Senior Judges

Nicholas Tsoucalas
R. Kenton Musgrave
Richard W. Goldberg

Clerk

Leo M. Gordon



Decisions of the United States Court of International Trade

(Slip Op. 02-36)

COMMITTEE OF DOMESTIC STEEL WIRE ROPE AND SPECIALTY CABLE
MANUFACTURERS, PLAINTIFF *v.* UNITED STATES, DEFENDANT, AND COOPER
TOOLS, INC., DRAGON TRADING INC., INDUSCO GROUP, USHA MARTIN
INDUSTRIES, LTD., USHA MARTIN AMERICAS, INC., NANTONG WIRE ROPE
CO., AND NANTONG ZHONGDE STEEL WIRE ROPE DEFENDANT-
INTERVENORS

Court No. 01-00209

[Plaintiff's Motion for Judgment Upon the Agency Record denied.]

(Decided April 5, 2002)

*Harris Ellsworth and Levin, (Herbert E. Harris II), Jeffrey S. Levin, for Plaintiff.
(Lyn M. Schlitt), General Counsel, (James M. Lyons), Deputy General Counsel,
(Michael Diehl), Office of the General Counsel, U.S. International Trade Commission, for
Defendant.*

*Grunfeld, Desiderio, Lebowitz, Silverman, & Klestadt LLP, (Bruce M. Mitchell), Jeffrey
S. Grimson, for Defendant-Intervenors Cooper Tools, Inc., Dragon Trading Inc., and the
Indusco Group.*

*Wilkie, Farr & Gallaher, Christopher A. Dunn, for Defendant-Intervenors USHA Martin
Industries, Ltd and USHA Martin Americas, Inc.*

*Manatt, Phelps & Phillips, LLP, (Jeffrey S. Neely), for Defendant-Intervenors Nantong
Wire Rope Company and Zhongde Steel Wire Rope.*

OPINION

I. INTRODUCTION

BARZILAY, *Judge*: Plaintiff in this case is a committee of domestic steel wire rope producers challenging the United States International Trade Commission's ("ITC" or "Commission") final negative determination in *Steel Wire Rope from China and India*, 66 Fed. Reg. 18,509 (April 9, 2001), in which the Commission ascertained that steel wire rope imported from China and India caused neither material injury nor threat of material injury to the domestic industry. The Commission's reasoning was set forth in *Steel Wire Rope From China and India*, ("Final Determination"), Inv. Nos. 731-TA-868-869, (Final), USITC Pub. 3406

(March 2001). Before the court is Plaintiff's USCIT R. 56.2 *Motion for Judgment Upon the Agency Record*. Plaintiff brings this action pursuant to 19 U.S.C. § 1516a(a)(2)(B)(ii) (1994); the ITC opposes Plaintiff's motion. Defendant-Intervenors Cooper Tools, Inc., Dragon Trading, Inc., and the Indusco Group ("Cooper Tools") and Nantong Wire Rope Company and Nantong Zhongde Steel Wire Rope ("Nangtong") also filed briefs opposing Plaintiff's motion. The court exercises jurisdiction pursuant to 28 U.S.C. § 1581(c) (1994).¹ For the reasons set out in the following opinion, the court denies Plaintiff's *Motion for Judgment Upon the Agency Record*.

II. BACKGROUND

On March 1, 2000, Plaintiff filed with the U.S. Department of Commerce ("Commerce" or "ITA") and the International Trade Commission a petition alleging that imports of steel wire rope from India, Malaysia, the People's Republic of China ("China"), and Thailand were being, or were likely to be sold, in the United States at less than fair value ("LTFV") within the meaning of section 731 of the Tariff Act of 1930 and that such imports were the cause of material injury to an industry in the United States. See *Committee of Domestic Steel Wire Rope and Specialty Cable Manufacturers Mem. in Supp. of Its Rule 56.2 Mot. for J. on the Agency R. ("Pl.'s Br.")* at 2-3. The ITC initiated a preliminary investigation on March 1, 2000, in response to the petition by instituting antidumping duty investigations Nos. 731-TA-868-871. On March 17, 2000, Commerce initiated antidumping duty investigations to determine whether imports of steel wire rope from China, India, Malaysia and Thailand were being sold, or were likely to be sold, in the United States at LTFV.² *Initiation of Antidumping Duty Investigations: Steel Wire Rope From India, Malaysia, the People's Republic of China, and Thailand*, 65 Fed. Reg. 16,173 (March 27, 2000). The Commission issued a preliminary injury determination on April 17, 2000, finding by a 6 to 0 vote that steel wire imports from China, India and Malaysia materially injured, or threatened to materially injure, the U.S. steel wire rope industry. *Steel Wire Rope from China, India, Malaysia and Thailand*, 65 Fed. Reg. 24,505 (April 26, 2000).

On July 7, 2000, the Committee requested that Commerce postpone the issuance of its preliminary determination as to whether the steel wire rope was sold or likely to be sold in the United States at LTFV. On July 13, 2000, Commerce granted the request and postponed the issuance of its preliminary determination until September 25, 2000. See *Notice of Postponement of Preliminary Antidumping Duty Determina-*

¹ 28 U.S.C. § 1581(c) provides: "The Court of International Trade shall have exclusive jurisdiction of any civil action commenced under section 516A of the Tariff Act of 1930."

² Section 732(b)(1) of the Tariff Act of 1930, codified at 19 U.S.C. § 1673a(b)(1) (1994), provides:

An antidumping proceeding shall be initiated whenever an interested party described in subparagraph (C), (D), (E), (F), or (G) of section 1677(9) of this title files a petition with the administering authority, on behalf of an industry, which alleges the elements necessary for the imposition of the duty imposed by section 1673 of this title, and which is accompanied by information reasonably available to the petitioner supporting those allegations. The petition may be amended at such time, and upon such conditions, as the administering authority and the Commission may permit.

tions: *Steel Wire Rope from India, Malaysia, and the People's Republic of China*, 65 Fed. Reg. 45,037 (July 20, 2000). On September 25, 2000, Commerce issued an affirmative preliminary determination that steel wire rope from India and China were being sold in the United States for LTFV; however, Commerce issued a negative determination regarding steel wire imports from Malaysia. See *Notice of Preliminary Determination of Sales at Less Than Fair Value: Steel Wire Rope From India and the People's Republic of China*; *Notice of Preliminary Determination of Sales at Not Less Than Fair Value: Steel Wire Rope From Malaysia*, 65 Fed. Reg. 58,736 (October 2, 2000). In accordance with 19 U.S.C. § 1673d(b), Commerce notified the Commission of its preliminary determinations and the Commission began the final phase of its investigations. See *Steel Wire Rope From China, India, and Malaysia*, 65 Fed. Reg. 67,402 (November 9, 2000).

In its final determination, Commerce found that steel wire rope from India and China was being sold, or was likely to be sold, in the United States at less than fair market value and that steel wire rope from Malaysia was not being sold in the United States at less than fair value. See *Notice of Final Determination of Sales at Less Than Fair Value: Steel Wire Rope From India and the People's Republic of China*; *Notice of Final Determination of Sales at Not Less Than Fair Value: Steel Wire Rope From Malaysia*, ("Commerce's Final Determination"), 66 Fed. Reg. 12,759 (February 28, 2001). Additionally, Commerce found that steel wire rope produced by one of the Chinese respondents, Fasten, was not being sold in the United States at LTFV. Commerce determined that the final estimated dumping margins on the subject imports from China ranged from 42.23% to 58% and the final estimated dumping margin for subject imports from India was 38.63%. *Id.* at 12,761.

On March 21, 2001, the Commission determined by a vote of 6 to 0 that an industry in the United States was neither materially injured nor threatened with material injury by reason of imports of steel wire rope and transmitted its negative determination to Commerce. The Commission determined that a "reasonable overlap" of competition existed between the subject imports and the domestic like product and cumulated the subject imports from India and China. However, in its injury analysis, the Commission determined that the competition between the subject imports and the domestic like product was "attenuated" and therefore, did not materially injure or threaten to materially injure an industry in the United States.

The Committee argues that the Commission: (1) applied varying, inconsistent and irreconcilable characterizations regarding the degree of competition which existed in the U.S. steel wire rope market between the subject imports and the domestic like product, (2) improperly concluded that "attenuated" competition existed between subject imports and the domestic like product, and (3) failed to consider the magnitude of the dumping margins established by Commerce in its material injury and threat of material injury analysis. See *Pl.'s Br.* at 6-8. Specifically,

the Committee asserts that the Commission was inconsistent in determining that a "reasonable overlap" of competition existed for cumulation purposes, and at the same time finding that "attenuated" competition existed between the domestic product and subject imports, and therefore, concluding that the subject imports did not materially injure or threaten to materially injure the domestic industry. The Committee also asserts that the Commission's finding of "attenuated" competition between the subject imports and the domestic like product was flawed because it was not supported by substantial evidence. The Committee claims that "[t]here is little or no evidence on the record to indicate that Indian imports carry the same qualitative shortcoming claimed by the exporters and importers of steel wire rope from China" and "the Commission's analysis did not account for substantial evidence on the administrative record that establishes subject imports from both China and India are in direct competition in the U.S. marketplace." *Pl.'s Br.* at 7. Additionally, the Committee argues that the Commission failed to take into account the final estimated dumping margins that were determined by Commerce.

The Commission and Defendant-Intervenors argue that the Commission's findings were consistent. The Commission argues that in *both* the cumulation and injury determinations the Commission found "attenuated" competition between the subject imports and the domestic like product. However, the statutory standards used for cumulation and injury determinations differ and it is consistent to find that the level of product fungibility and competition may satisfy the "reasonable overlap" standard of cumulation yet still be insufficient to support a finding that the subject imports caused material injury to the domestic industry. *See Def.'s Br.* at 13-18. The Commission asserts that substantial evidence on the record supports a finding that competition between subject imports and the domestic like product was "attenuated" due to differences in quality and product mix. Additionally, the Commission argues that its findings took into account all record evidence, which included the characteristics of the subject imports from India and all record evidence that was contrary to a finding of "attenuated" competition. *See Id.* at 17-18. In response to the Committee's claim that the estimated dumping margins were not considered in the *Final Determination*, the Commission claims "[t]he Commission need not discuss every statutory factor or party argument. Rather, it must address the most relevant factors and arguments such that the agency's path can reasonably be discerned." *Id.* at 3. Therefore, the Committee's argument that the Commission did not take into account dumping margins determined by Commerce "misapprehends the Commission's obligations in explaining the basis for its determinations." *Id.*

III. STANDARD OF REVIEW

The Committee asks the court to hold that the Commission's *Final Determination* is unlawful. The court must evaluate whether the finding in question is supported by substantial evidence on the record or is

otherwise in accordance with law. See 19 U.S.C. § 1516a(b)(1)(B). Substantial evidence is "[m]ore than a mere scintilla;" it is "such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." *Consolidated Edison Co. of New York v. NLRB*, 305 U.S. 197, 229 (1938); *Matsushita Elec. Indus. Co., Ltd. v. United States*, 750 F.2d 927, 933 (Fed. Cir. 1984). This court noted, "[i]n applying this standard, the court affirms [the agency's] factual determinations so long as they are reasonable and supported by the record as a whole, even if there is some evidence that detracts from the agency's conclusions." *Olympia Indus., Inc. v. United States*, 22 CIT 387, 389, 7 F. Supp.2d 997, 1000 (1998) (citing *Atlantic Sugar, Ltd. v. United States*, 744 F.2d 1556, 1563 (Fed. Cir. 1984)).

The court may not reweigh the evidence or substitute its own judgment for that of the agency. See *Granges Metallverken AB v. United States*, 13 CIT 471, 474, 716 F.Supp. 17, 21 (1989). Substantial evidence is "something less than the weight of the evidence, and the possibility of drawing two inconsistent conclusions from the evidence does not prevent an administrative agency's finding from being supported by substantial evidence." *Id.*, 13 CIT at 475, 716 F. Supp. at 21 (citations omitted). Additionally, absent a showing to the contrary, the agency is presumed to have considered all of the evidence in the record. *Nat'l Ass'n of Mirror Mfrs. v. United States*, 12 CIT 771, 779, 696 F.Supp. 642, 648 (1988). Thus, "to prevail under the substantial evidence standard, a plaintiff must show either that the Commission has made errors of law or that the Commission's factual findings are not supported by substantial evidence." *Id.*, at 774, 696 F. Supp. at 644.

IV. DISCUSSION

A. The Commission's material injury and threat of material injury analysis was in accordance with law and supported by substantial evidence.

To determine if the steel wire rope industry was materially injured by reason of the subject imports, the Commission had to first define the industry and the domestic like product.³ Additionally, the Commission was required by 19 U.S.C. § 1677(7)(G)(i) (1994) to cumulatively assess the volume and price effects of imports from all countries with respect to which petitions were filed and/or investigations self-initiated by Commerce on the same day, if such imports compete with each other and the domestic like product. In assessing whether to cumulate, the Commission applied the four-factor test it developed to determine if a "reasonable overlap" of competition existed between the subject imports and

³ 19 U.S.C. § 1677(4)(A) states: "[t]he term 'industry' means the producers as a [w]hole of a domestic like product, or those producers whose collective output of a domestic like product constitutes a major proportion of the total domestic production of the product."

19 U.S.C. § 1677(10) states: "[t]he term 'domestic like product' means a product which is like, or in the absence of like, most similar in characteristics and uses with, the article subject to an investigation under this subtitle."

The Commission's definitions of the industry and domestic like product are not in dispute, therefore, the court need not focus on that portion of the Commission's determination.

the domestic like product.⁴ See *Final Determination* at 10. In the final phase of the antidumping investigation, the ITC was required to consider the volume of the subject imports, their effect on prices for the domestic like product and other economic factors that are relevant to its determining whether the steel wire rope industry in the United States was materially injured or threatened with material injury from the subject imports. See 19 U.S.C. § 1677(7)(B)(i) (1994); 19 U.S.C. § 1677(7)(C)(iii) (1994).

In determining to cumulate, the Commission analyzed the subject imports from China and India in relation to each other and the domestic like product and found that there was a "reasonable overlap" of competition. However, the Commission noted that

[t]he record is * * * mixed regarding whether there is reasonable overlap of competition among the domestic like product and the subject imports from China and India. The subject imports and the domestic like product are sold through overlapping channels of distribution, and were present throughout the period of investigation, and in all geographic areas of the United States. Fungibility among the products is limited by the lower quality of subject imports from China and, to a lesser extent, subject imports from India. The subject imports' higher concentration in galvanized carbon steel wire rope also limits fungibility. Nevertheless, producers, importers, and purchasers generally indicated that the subject product from China and India and the domestic like product are all at least sometimes interchangeable, and are often used in the same applications.

Final Determination at 20. To support its conclusion, the Commission detailed the conditions of competition in the United States market and cited this information in its determination. See *Final Determination* at 19–20 n. 79–84 (citing to Part II of the *Confidential Staff Report Steel Wire Rope From China and India*, Inv. Nos 731–TA– 868–869 (Final) (March 9, 2001), *Administrative Record*, List 2, Doc. 169 ("Staff Report"). The Commission analyzed the channels of distribution, supply and demand considerations, substitutability issues, and the supply and demand elasticity in the United States market. *Id.* Although the Commission did find that there was "reasonable overlap" of competition which statutorily required that the subject imports from China and India be cumulated, the Commission recognized that competition between the domestic like product and the subject imports was "attenuated" due to quality and product mix issues. See *Determination* at 16. This finding

⁴The four factors considered are:

(1) the degree of fungibility between the subject imports from different countries and between imports and the domestic like product, including consideration of specific customer requirements and other quality related questions;

(2) the presence of sales or offers to sell in the same geographic markets of subject imports from different countries and the domestic like product;

(3) the existence of common or similar channels of distribution for subject imports from different countries and the domestic like product; and

(4) whether the subject imports are simultaneously present in the market.

Final Determination at 15 (citing *Certain Cast-Iron Pipe Fittings from Brazil, the Republic of Korea, and Taiwan*, Inv. Nos. 731–TA–278–280 (Final), USITC Pub. 1845 (May 1986), *aff'd Fundicao Tupy, S.A. v. United States*, 12 CIT 231, 678 F. Supp. 898, *aff'd* 859 F.2d 915 (Fed. Cir. 1988)).

became particularly relevant for the Commission's injury analysis in the final phase of the investigation.

In the injury determination analysis, the Commission is required to consider (1) the volume of the imports, (2) their effect on prices for the domestic product, (3) their impact on domestic producers of the domestic like product, but only in the context of production operations within the United States, and (4) other economic factors that are relevant to the injury determination.⁵ In this case, the Commission determined that the domestic industry was not materially injured by reason of the subject imports sold in the United States at less than fair value.

The Commission, in evaluating the volume of imports, found that the increase in volume of imports from China and India did not adversely affect the United States producers' market share. It did, however, find that the market shares for nonsubject imports were negatively impacted by the increased volume of subject imports.

The record also indicates that subject imports accounted for [] percent of U.S. apparent consumption in interim 1999, and [] percent in interim 2000. The U.S. producers' share, however, remained [] during the same period, at [] percent in interim 1999, and [] percent in interim 2000. The increase in share by the subject imports between interim 1999 and interim 2000 therefore came at the expense of nonsubject imports. That subject imports displaced nonsubject imports is consistent with record evidence that galvanized carbon steel wire rope made up more than one-half of subject imports, and almost half of nonsubject imports, but only a small share of domestic production.

Final Determination at 25-26 (footnotes omitted).

The Commission also used record evidence to establish that the price of the subject imports did not have significant price depressing effects on the domestic like product. *Final Determination* at 28. The Commission cited to specific record evidence that substantiated its finding that the subject imports did not negatively affect domestic like product prices.

The Commission collected quarterly price information on seven types of steel wire rope, designated products 1 through 7. The volume of the sales of the domestic like product was very small in all but 1 and 2 (consisting of bright carbon steel wire rope) and product 5 (consisting of galvanized carbon wire rope). There was no clear

⁵ 19 U.S.C. § 1677(7)(B) (1994) provides:

(B) Volume and consequent impact

In making determinations under sections 1671b(a), 1671d(b), 1673b(a), and 1673d(b) of this title, the Commission, in each case—

(i) shall consider—

(I) the volume of imports of the subject merchandise,

(II) the effect of imports of that merchandise on prices in the United States for domestic like products, and

(III) the impact of imports of such merchandise on domestic producers of domestic like products, but only in the context of production operations within the United States; and

(ii) may consider such other economic factors as are relevant to the determination regarding whether there is material injury by reason of imports.

In the notification required under section 1671d(d) or 1673d(d) of this title, as the case may be, the Commission shall explain its analysis of each factor considered under clause (i), and identify each factor considered under clause (ii) and explain in full its relevance to the determination.

downward trend in the price of domestically produced steel wire rope in any of these three product categories. For product 1, prices for the domestic product were highest at the end of the review. Prices for domestic product 2 increased and then fell during the period, but ended at a level [] above their starting point. Prices for the domestic product 5 ended [] lower than they began, but increased in each of the last three quarters.

Final Determination 26-27 (footnotes omitted). Additionally, the Commission noted that the substitutability between subject imports and the domestic like product was limited because

subject imports generally are lower in quality than the domestic like product. Moreover, galvanized carbon steel wire rope accounts for over half of subject imports but only a small share of domestic production. These factors limit substitutability between the domestic like product and the subject imports, and therefore limit the potential effects on subject imports domestic prices.

Final Determination at 26. Similarly, the record evidence demonstrated that (1) petitioners announced various price increases, (2) domestic producers' cost of goods sold as a percentage of net sales increased minimally, while their operating income remained stable, and (3) the "attenuated" competition between the subject imports and the domestic like product limited the ability of the subject importers to suppress price increases of the domestic like product.

We also found that subject imports did not have significant price depressing effects on the domestic like product. The record does not reflect any clear downward trend in prices for the domestic like product. Nor do we find that subject imports prevented to a significant degree price increases by the domestic industry that otherwise would have occurred. First, petitioners announced various price increases, which the record suggests were collected, in whole or in part, in at least some instances. Second, domestic producers' cost of goods sold as a percentage of net sales increased very little, while their operating income was generally stable. Third, because competition between subject imports and domestic like product is attenuated, subject imports' ability to suppress price increases is similarly limited.

Final Determination at 28-29 (footnotes omitted).

In its impact analysis, the Commission must consider all the relevant economic factors that bear on the state of the industry in the United States. See 19 U.S.C. § 1677(7)(C)(iii) (1994). The Commission noted that although the industry's performance was not particularly strong, the cause of the weakness was not the subject imports. In fact, the Commission found that the major reason for the domestic industry's market share loss was caused by *nonsubject* imports.

Subject imports' market share increased less than [] from 1998 to 1999, from [] to [] percent. While subject imports' market share was the highest in interim 2000, that was also the period the industry was most profitable. In addition, prices collected on various sub-

ject products did not exhibit a clear downward trend, and AUVs (average unit values) for the subject imports decreased only [] from 1998 to 1999, from \$[] per short to \$[] per short ton. Previously, from 1997 to 1998, the domestic industry lost [] in market share, but nonsubject imports accounted for the bulk of the loss [].

Final Determination at 33-34 (footnotes omitted).

In addition to the price, volume and impact analysis, the Commission also noted in its injury analysis important conditions of competition that supported its negative injury determination. The Commission found that

although domestic and imported steel wire rope both generally conform to specifications, certain factors limit competition between them. More than one-half of subject imports are galvanized carbon steel wire rope, while less than two percent of domestic production is galvanized. Many purchasers and distributors state that only domestic product is used for so-called "critical" applications: those in which failure of the rope could result in damage, injury or death. Similarly, various steel wire rope distributors expressed concern over liability arising out of any failure by imported steel wire rope they might sell, particularly imports from China.

Final Determination at 22 (footnotes omitted). Similarly, a contributing factor to the domestic industry's drop in capacity, which caused a drop in production in 1999, could be attributed to consolidation within the industry. In its impact analysis the Commission stated:

[t]he decline in capacity in 1999 reflects the fact that domestic producer WRCA (Wire Rope Corporation of America) retired all but one of the production facilities it acquired from Rochester and Macwhyte. Domestic production capacity was 123,715 short tons in interim 1999 and 135,535 short tons in interim 2000, consistent with []. The domestic industry's production fell from 127,833 short tons in 1997, to 118,047 short tons in 1998, and to 108,655 short tons in 1999. However, production was higher in interim 2000, at 80,801 short tons, than in interim 1999, at 78,955 short tons.

Final Determination at 30-31 (footnotes omitted). Therefore, the Commission concluded that purchasers' preference for domestic product and industry consolidation were significant factors that supported a finding that subject imports did not cause material injury to the domestic industry.

Having determined that the subject imports did not cause material injury to a domestic industry, the Commission then focused its analysis to determine if the subject imports threatened material injury to the domestic industry. Under 19 U.S.C. § 1677(7)(F)(ii) (1994), the Commission is required to determine "whether further dumped or subsidized imports are imminent and whether material injury by reason of imports

would occur unless an order is issued or a suspension agreement is accepted. * * *⁶

The Commission found that:

[t]he record indicates that no significant increase in the volume or market penetration of subject imports is imminent. Although subject producers had the ability to increase significantly the volume of their exports to the U.S. market during the period of investigation, they did not do so. There is no persuasive evidence in the record that indicates that this behavior will change in the imminent future. We also find that subject imports are not likely to enter the United States at prices that will depress prices for the domestic like product. Prices for the subject imports are already significantly lower than prices for the domestic like product, yet prices for the latter are steady or increasing, and any market share lost by the domestic industry to subject imports has been small. We see no evidence that competition between subject imports and the domestic like product will become less attenuated in the imminent future.

Final Determination at 39-40. Therefore, the Commission concluded that the subject imports did not present a threat of material injury to the domestic industry. This determination is in accordance with law as the Commission discussed the relevant statutory factors that it considered in reaching its conclusion, namely, market penetration and volume of imports pursuant to 19 U.S.C. § 1677(F)(i)(III) and the effect of import prices on domestic prices pursuant to 19 U.S.C. § 1677(F)(i)(IV). It also

⁶ 19 U.S.C. § 1677(F) states the factors the Commission is required to consider in its threat of material injury determination.

F) Threat of material injury

(i) In general

In determining whether an industry in the United States is threatened with material injury by reason of imports (or sales for importation) of the subject merchandise, the Commission shall consider, among other relevant economic factors—

(I) if a countervailable subsidy is involved, such information as may be presented to it by the administering authority as to the nature of the subsidy (particularly as to whether the countervailable subsidy is a subsidy described in Article 3 or 6.1 of the Subsidies Agreement), and whether imports of the subject merchandise are likely to increase,

(II) any existing unused production capacity or imminent, substantial increase in production capacity in the exporting country indicating the likelihood of substantially increased imports of the subject merchandise into the United States, taking into account the availability of other export markets to absorb any additional exports,

(III) a significant rate of increase of the volume or market penetration of imports of the subject merchandise indicating the likelihood of substantially increased imports,

(IV) whether imports of the subject merchandise are entering at prices that are likely to have a significant depressing or suppressing effect on domestic prices, and are likely to increase demand for further imports,

(V) inventories of the subject merchandise,

(VI) the potential for product-shifting if production facilities in the foreign country, which can be used to produce the subject merchandise, are currently being used to produce other products,

(VII) in any investigation under this subtitle which involves imports of both a raw agricultural product (within the meaning of paragraph (4)(E)(iv)) and any product processed from such raw agricultural product, the likelihood that there will be increased imports, by reason of product shifting, if there is an affirmative determination by the Commission under section 1671d(b)(1) or 1673d(b)(1) of this title with respect to either the raw agricultural product or the processed agricultural product (but not both),

(VIII) the actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of the domestic like product, and

(IX) any other demonstrable adverse trends that indicate the probability that there is likely to be material injury by reason of imports (or sale for importation) of the subject merchandise (whether or not it is actually being imported at the time).

(ii) Basis for determination

The Commission shall consider the factors set forth in clause (i) as a whole in making a determination of whether further dumped or subsidized imports are imminent and whether material injury by reason of imports would occur unless an order is issued or a suspension agreement is accepted under this subtitle. The presence or absence of any factor which the Commission is required to consider under clause (i) shall not necessarily give decisive guidance with respect to the determination. Such a determination may not be made on the basis of mere conjecture or supposition.

cited attenuated competition between imports and domestic production as another economic factor it considered relevant, as it is required to by 19 U.S.C. § 1677(F)(i). The Commission's conclusions with regard to these economic factors find factual support in the record as well. In Part VII of its *Staff Report*, there is evidence that supported its determination that the imports from China and India did not threaten a domestic industry and these findings are included in its analysis. In examining the capacity levels of the importers as required by 19 U.S.C. § 1677(F)(i)(II) the Commission found that

[t]he record shows no indication of increased capacity in China or India during the period of investigation that would indicate the likelihood of substantially increased imports of subject merchandise, and capacity is projected to be [] in 2000 and 2001 as it was in 1999. Capacity utilization for the industry in China, which was estimated at [] percent in 1999, showed projected increases to rates of [] percent in 2000 and [] percent for 2001. For the industry in India, capacity utilization was [] percent in 1999, and is projected to increase to [] percent in both 2000 and 2001. While foreign producers' capacity utilization figures reflect some available excess capacity, unused capacity existed during the period investigated, but did not result in materially injurious exports to the United States. Moreover, unused capacity declined late during the period of investigation, and it is projected to decline in the imminent future.

Final Determination at 37 (footnoting to the statistical tables included in Part VII of the *Staff Report*). Therefore, the court finds that the Commission's determination that there was no threat of injury to the domestic industry is in accordance with law and supported by substantial evidence in the record of the Commission's proceeding.

B. The Commission's cumulation and injury analyses did not apply inconsistent standards and its finding that "attenuated" competition existed between the subject imports and domestic like product was supported by substantial evidence.

The essence of the Committee's claim is that it was inconsistent for the Commission to find that a "reasonable overlap" of competition existed for cumulation purposes and also find that the competition between the subject imports and the domestic like product was "attenuated" and, therefore, did not contribute to material injury. On its face, this logic seems attractive. However, a closer examination of the different statutory schemes and criteria used in determining cumulation as opposed to material injury reveals that two distinct "competition" findings are logical and legally permissible. Particularly instructive on this issue was this court's holding in *BIC Corp. v. United States*, 21 CIT 448, 964 F.Supp. 391 (1997). In *BIC*, the domestic producer of disposable lighters (BIC Corporation), filed a petition with the Commission and Commerce alleging that the United States disposable lighter industry was materially injured, or threatened with material injury, by reason of subsidized and LTFV imports of disposable pocket

lighters from Thailand and China. See *BIC*, 964 F. Supp. at 395. BIC claimed, *inter alia* that

the Commission cannot legally justify its apparently inconsistent findings. BIC points out that the Commission found *sufficient fungibility* between the subject imports and BIC's lighters to support its finding of one like product, as well as its decision to cumulate. Yet, the Commission also found that there was *insufficient fungibility* between the two groups of lighters to negatively affect domestic prices and production. BIC asserts that such contradictory findings cannot pass legal muster.

Id. at 397 (emphasis in original).

Judge Goldberg articulated that determinations regarding like product, cumulation and causation require the application of different statutory schemes.

[BIC's] argument fails because BIC again overlooks the importance of context; like product, cumulation, and causation are functionally different inquiries because they serve different statutory purposes. As a result, each inquiry requires a different level of fungibility. Hence, the record may contain substantial evidence that two products are fungible enough to support a finding in one context (e.g., one like product), but not in another (e.g., cumulation or causation).

Id. at 399 (citations omitted). The court noted that "to support a decision to cumulate, the Commission need only find a "reasonable overlap" of competition between the subject imports, and between the subject imports and the domestic like product. *Id.* at 400 (citations omitted). However, the court clearly stated that the standards used in different parts of the investigation were dependent on the context of the analysis. The rationale employed by the court regarding the application of different statutory schemes delineated the differences in the standards used in determining like product, cumulation, and material injury.

Indeed, BIC ignores previous cases in which the court has consistently recognized that the Commission's inquiry into product substitutability, i.e., to what degree two or more products compete with each other, may differ according to context:

Analysis of substitutability varies according to the context of its application. For the purposes of defining "like product" as described in 19 U.S.C. § 1677(10)(1988), it is not necessary that like products be completely substitutable, only that the like product be like, or in the absence of like, most similar in characteristics and uses. For purpose of cumulation, the analysis of substitutability is also not stringent, as only a reasonable overlap in competition is required where like product imports compete with each other and with like products of the domestic industry. In analysis of material injury, substitutability is one factor in the evaluation of volume and price.

Id. at 397-98 (quoting *R-M Indus., Inc. v. United States*, 18 CIT 219, 226 n. 9, 848 F. Supp. 204, 210 n. 9 (1994) (citations and internal quotations omitted).

The rationale employed in *BIC* is applicable to the case before the court. The antidumping duty statutes set forth different statutory requirements and criteria for cumulation, material injury, and threat of material injury. See 19 U.S.C. § 1677(7)(G),(H); 19 U.S.C. § 1677(7)(A),(B),(C),(D),(E); 19 U.S.C. § 1677(7)(F). In determining whether to cumulate, the Commission need only find a "reasonable overlap" of competition to support cumulation of the subject imports because the purpose of cumulation is to "ensure that the injury test adequately addressed simultaneous unfair imports from different countries." *Ranchers-Cattlemen Action Legal Foundation v. United States*, 23 CIT 861, 880 74 F. Supp. 2d 1353, 1370 (1999) (quoting House Comm. on Ways and Means, Trade Remedies Reform Act of 1984, H.R. Rep. No. 98-725, at 37 (1984), reprinted in 1984 U.S.C.A.N. 5127, 5164 (emphasis added)). In determining if a domestic industry in the United States was materially injured or threatened with material injury, the Commission must determine if the subject imports were the cause of the material injury or threat of material injury. See *Gerald Metals, Inc. v. United States*, 132 F.3d 716, 722 (Fed. Cir. 1997). In determining causation, "*fungibility plays a far more important role in the causation context than in either the like product or cumulation contexts; the more fungible two products are, the more likely underselling by one will affect the price of the other.*" *BIC*, 964 F. Supp. at 400 (emphasis in the original and citations omitted). Unlike the "reasonable overlap" of competition standard used in cumulation determinations, in its causation analysis the Commission must determine the effects of the subject imports on the volume and price of the like product, as well as their impact on the affected domestic industry. Therefore, it was consistent for the Commission to determine in the context of cumulation that a "reasonable overlap" of competition existed, yet in the context of its causation analysis determine that the competition was "attenuated" and did not materially injure or threaten material injury to the domestic industry.

It is clear from the record evidence in this case that the Commission could have concluded for purposes of cumulation that a "reasonable overlap" of competition existed, yet the competition was "attenuated" and did not cause or threaten material injury to a domestic industry. In fact, in both its cumulation and injury analyses, the Commission found "attenuated" competition. In its cumulation analysis, the Commission found that "although the record also indicates that competition between the domestic like product and subject imports, in particular those from China, is "attenuated" due to quality and product mix issues," it decided that cumulation was appropriate because (1) "imports and the domestic like product are sold through overlapping channels of distribution," and (2) "producers, importers, and purchasers generally indicated that the subject product from China and India, and the domestic like product are all at least sometimes interchangeable, and are often used in the same applications." *Final Determination* at 16, 20. However, in evaluating the volume and price effects in the context of the condi-

tions of competition that characterize the domestic market, the Commission stated that differences in product mix and quality, limited competition between the imports and the domestic like product. *Id.* at 22.

To support its findings, the Commission detailed the reasons why the competition between the subject imports and the domestic like product was "attenuated." In its volume, price, and impact analysis, the Commission found that (1) differences in quality and product mix limited substitutability between the subject imports and the domestic like product, (2) the subject imports did not decrease domestic market share, adversely affect the domestic volume, or depress the prices of the domestic like product, and (3) the subject imports displaced the market share of nonsubject imports. See *Final Determination* at 26-28, 33-34; *infra* Section C. These findings were particularly evident for the subject imports from China. See *Final Determination* at 17, 22. Although the findings of the Commission as to the subject imports from India were not as pronounced, the Commission supported its "attenuated" competition finding in regard to the subject imports from India with substantial evidence.

Contrary to the Committee's claims, the Commission did take into account all relevant facts on the record when it analyzed the level of competition between the subject imports from India and the domestic like product. In fact, the Commission noted that the subject imports from India were not as inferior as the subject imports from China. The Commission found that distributors had concerns about potential liability arising out of the failure of imported steel wire rope from China in critical applications, yet "[s]ome subject merchandise from India is high-strength carbon steel wire rope, used in critical applications, but the majority of the subject merchandise from that country is of standard varieties." *Final Determination* at 19 (footnote omitted). Similarly, the Commission noted that fourteen of seventeen importers reported that steel wire rope imports from India were "always," "frequently," or "sometimes" interchangeable with the domestic like product. *Final Determination* at 19. Although the quality of the subject imports was superior to that of the subject imports from China, product mix and quality differences as compared to the domestic like product supported that "attenuated" competition existed between the subject imports from India and the domestic like product.

The total amount of steel wire rope imported into the United States from India was predominately galvanized products. See *Final Determination* at 20, 22 (footnoting to the *Staff Report* at D-4, D-7.) However, domestic production of galvanized steel wire rope accounted for only 2% of the entire steel wire rope market. See *Final Determination* at 20. Additionally, interchangeability between galvanized steel wire rope and bright (non-galvanized) carbon steel wire rope was limited. *Id.* at 7. Since galvanized steel is more corrosive resistant than bright carbon steel, carbon steel wire rope cannot be substituted for galvanized steel

wire rope in applications where corrosion resistance is critical. *Id.* Similarly, the galvanized subject imports cannot be substituted for stainless steel wire rope in applications where cleanliness or reduced magnetic properties are required. *Id.* Therefore, nearly half the imports from India were competing with a very small percentage of the domestic wire rope market.

Additionally, there was evidence on the record that the subject imports from India were inferior to the domestic like product. Of the seventeen responding importers, only five stated that the subject imports from India and the domestic like product were "always" interchangeable, six reported that the two were only "sometimes" interchangeable and three reported that they are "never" interchangeable. *Id.* at 19 n. 80 (citing to the *Staff Report*, Table II-4 at II-10).⁷ The Commission also found that out of eight responding purchasers, four found the quality of the subject imports from India comparable with the domestic like product while three rated the quality of the domestic product as superior. *Id.* at 19. Only one purchaser rated the steel wire rope imports from India as higher in quality than the domestic like product. *Id.* (footnoting to the *Staff Report*, Table II-8 at II-14).

The Commission's "attenuated" competition finding was critical to the material injury determination because the difference in product quality and mix, coupled with the low substitutability of the subject imports with the domestic like product showed that the domestic industry was not injured by the subject imports. Therefore, the Commission properly found that although the competition between the subject imports and the domestic like product was "attenuated," there was a "reasonable overlap" of competition to sustain cumulation. Similarly, the Commission supported its conclusion that "attenuated" competition existed between the subject imports and the domestic like product.⁸

C. The Commission considered Commerce's dumping margin determinations in the context of its findings.

Commerce in its final dumping determination found the dumping margins on the subject imports from China ranged from 42.23% to 58% and the final estimated dumping margin for subject imports from India was 38.63%. *Commerce's Final Determination* at 12,761. The magnitude of the dumping margin is one of the subfactors listed 19 U.S.C. § 1677(7)(C)(iii) that the Commission is required to consider when examining the impact of the subject imports on the affected industry. At issue is subfactor (V) of the statute. Section 1677(7)(C)(iii) states:

(iii) Impact on affected domestic industry

In examining the impact required to be considered under subparagraph (B)(i)(III), the Commission shall evaluate all relevant

⁷ The source of the information used in the *Staff Report* Table was compiled from responses to Commission questionnaires.

⁸ In its threat of material injury analysis, the Commission also found that "because the 'attenuated' competition between the subject merchandise and the domestic like product, due to the differences in quality and product mix discussed earlier," the subject imports did not threaten to materially injure an industry in the United States. *Final Determination* at 38.

economic factors which have a bearing on the state of the industry in the United States, including, but not limited to—

(I) actual and potential decline in output, sales, market share, profits, productivity, return on investments, and utilization of capacity,

(II) factors affecting domestic prices,

(III) actual and potential negative effects on cash flow, inventories, employment, wages, growth, ability to raise capital, and investment,

(IV) actual and potential negative effects on the existing development and production efforts of the domestic industry, including efforts to develop a derivative or more advanced version of the domestic like product, and

(V) in a proceeding under part II of this subtitle, the magnitude of the margin of dumping.

The Commission shall evaluate all relevant economic factors described in this clause within the context of the business cycle and conditions of competition that are distinctive to the affected industry.

Subfactor (V) was added as an amendment in the Uruguay Round Agreements Act of 1994 ("URAA"). See 19 U.S.C. § 1677(7)(C)(iii); See also *Statement of Administrative Action*, ("SAA"), H.R. Rep. 103-826(I), 850 reprinted in U.S.C.C.A.N. 4040, 4184 (1994). The legislative history accompanying subfactor (V) states:

b. Impact on Affected Domestic Industry; Consideration of Dumping Margin

Section 222(b)(1)(B) of H.R. 5110 amends section 771(7)(C)(iii) of the Act by adding the magnitude of the margin of dumping to the list of factors the Commission considers in determining the impact of imports of subject merchandise on domestic producers of like products. There is no similar provision in the Subsidies Agreement and, as under current practice, the Commission will not be required to consider the rate of subsidization. This amendment does not alter the requirement in current law that none of the factors which the Commission considers is necessarily dispositive in the Commission's material injury analysis.

SAA at 850.

The Committee argues "[t]he final determination does not evidence any indication that the Commission evaluated the magnitude of the dumping margins with regard to their impact on domestic producers of domestic like product." *Pl.'s Br.* at 21 (footnotes omitted). The Committee claims that the magnitude of the dumping margins have a strong and direct bearing on the level of competition that exists between the subject imports and the domestic like product. The Committee alleges that the reason why the subject imports are being sold in the United States market at substantial dumping margins is because the subject imports are in direct competition with the domestic like product.

Defendant claims that "the Committee conflates the statutory distinction between what the Commission must *consider*, and what it must

discuss. * * * * *Def.'s Br.* at 32 (emphasis in original). Defendant concedes that the Commission is required to consider the dumping margins, but since the "path to the agency's determination can reasonably be discerned" no additional discussion of the magnitude of the dumping margin was required. To support the argument, Defendant asserts that case law supports the proposition "that the Commission need not discuss every statutory factor, or address every party argument" *Def.'s Br.* at 35.

The court is not persuaded by the Committee's argument. The record evidence indicates that, although not directly discussed, in its final determination the Commission considered the dumping margins in its material injury analysis. Since the enactment of the URAA, the Commission is required to consider the dumping margin in its analysis of the impact on the affected industry. However, none of the statutory factors that the Commission is required to consider are necessarily dispositive. See SAA at 850. In this instance, the Commission specifically noted its duty to consider the dumping margin.⁹ Additionally, in its *Staff Report*, the Commission used a COMPAS model, which uses the dumping margins, to measure the economic effects of the subject imports on the domestic industry.¹⁰

[T]he staff selects a range of estimates that represent price-supply, price-demand, and product substitution relationships (i.e., elasticities of supply, demand, and substitution) in the U.S. market for steel wire rope. The model uses these estimates with the data on market shares and Commerce's dumping margins to analyze the likely effect on the U.S. like-product industry of reducing the subject imports from China and India.

Staff Report at E-3. The use of the COMPAS model revealed little change to the domestic industry absent dumping.

[t]he results for the steel wire rope for China show that absent dumping the domestic price would have been [] to [] percent higher, the domestic output would have been [] to [] percent higher, and domestic revenue would have been [] to [] percent higher. The results for all steel wire rope from India show that in the absent [sic] dumping the domestic price would have been [] to [] percent higher, the domestic output would have been [] to [] percent higher, and domestic revenue would have been [] to [] percent higher.

Staff Report at E-3 (citing to table E-1 and E-2). Further, as the Defendant-Intervenors point out, during a hearing, the Commissioners asked questions relating to both Commerce's dumping margin determinations and the margin of underselling and specifically asked why the sig-

⁹In its findings, the Commission stated:

[t]he statute instructs the Commission to consider the "magnitude of the dumping margin" in an antidumping proceeding as part of its consideration of the impact of imports. 19 U.S.C. § 1677(7)(C)(iii)(V). In its final dumping determination, Commerce determined dumping margins of 38.63 percent for India and 42.23 to 58 percent for China, except for Chinese producer Fasten, whose margin was *de minimis*. 66 Fed. Reg. 12759, 12761 (Fed. 28, 2001).

Final Determination at 30 n. 127.

¹⁰As described in the *Staff Report* "[s]uch models, also known as Armington models, are relatively standard in applied trade policy analysis and are used extensively for the analysis of trade policy changes both in partial and general equilibrium." *Staff Report* at E-3.

nificant margins did not appear to negatively affect domestic prices or market share.¹¹ See *Administrative Record*, List 1, Doc. 56, *Transcript* at 56, 73 ("Transcript"). However, since the Commission found that the competition between the subject imports and domestic like product was "attenuated," it reasoned that the dumping margins did not impact the domestic industry. The dumping margin has little significance if there is no connection between the pricing of the foreign product and the condition of the domestic industry.

In its determination, the Commission found that the subject imports did not adversely affect the domestic like product's pricing, volume or market share.

Importantly, domestic prices were relatively stable over the period of investigation, despite the fact that subject imports consistently undersold domestic steel wire rope products 1, 2, and 5 by margins generally in excess of [] percent, and ranging from [] to [] percent. Nor did underselling result in significant gains in market share by imports at the expense of the domestic like product, as described above. That price underselling did not result in declining prices for the domestic like product or loss of market share reflects the limited substitutability between subject imports and the domestic like product. Additionally, although lost sales or lost revenues may constitute anecdotal evidence of direct price competition, there were few confirmed lost sales in these investigations, and the volume of confirmed lost sales was relatively small. On the basis of the conditions of competition in this industry and attenuated competition between subject imports and domestic like product, we conclude that price underselling by the subject imports of the domestic like product was not significant.

Final Determination at 27-28 (footnotes omitted). In fact, the Commission found that the subject imports adversely impacted *nonsubject* imports. See *Final Determination* at 25; *supra* Section A. This was because the competition between the subject imports and domestic like product was "attenuated" and limited substitutability between the subject imports and the domestic like product.

We consider underselling and price effects in the context of conditions of competition for steel wire rope. As described previously, subject imports generally are lower in quality than the domestic

¹¹ In a post-submission hearing, Commissioner Bragg asked:

I guess I'm going to at least start out my first two questions directing them to the lawyers amongst you, and that would be, Mr. Levin, since you did end on the subject of both margins, as well as the role of non-subject imports, I would like to hear a little bit more from you on both of those subjects.

The first would be margins, and the first question would be again tell me what the relevance is of Commerce's final *de minimis* determinations to our injury analysis in these investigations. You have not spent a lot of time on this, and I would like to hear a little bit more about it now and hope that you would provide us some additional information in the post-hearing submission. * * *

Transcript at 56.

Commissioner Hillman questioned:

I guess I want to start a little bit with the same line of questioning, which is in reading through the data and looking at this case, one of the things that is somewhat remarkable I think to all of us is that we've seen these large margins of underselling and yet what appears to be a relatively small, if not insignificant, change in either market share by the imports or price declines.

I guess I'm still trying to understand if there is all of this product available, subject and nonsubject alike, you know, available at significantly lower prices, how is it that the domestic industry has again not lost significant market share and we've not seen significant price declines?

See *Transcript* at 73.

like product. Moreover, galvanized carbon steel wire rope accounts for over half of subject imports but only a small share of domestic production. These factors limit substitutability between the domestic like product and subject imports, and therefore limit potential effects on subject imports domestic prices.

Final Determination at 26.

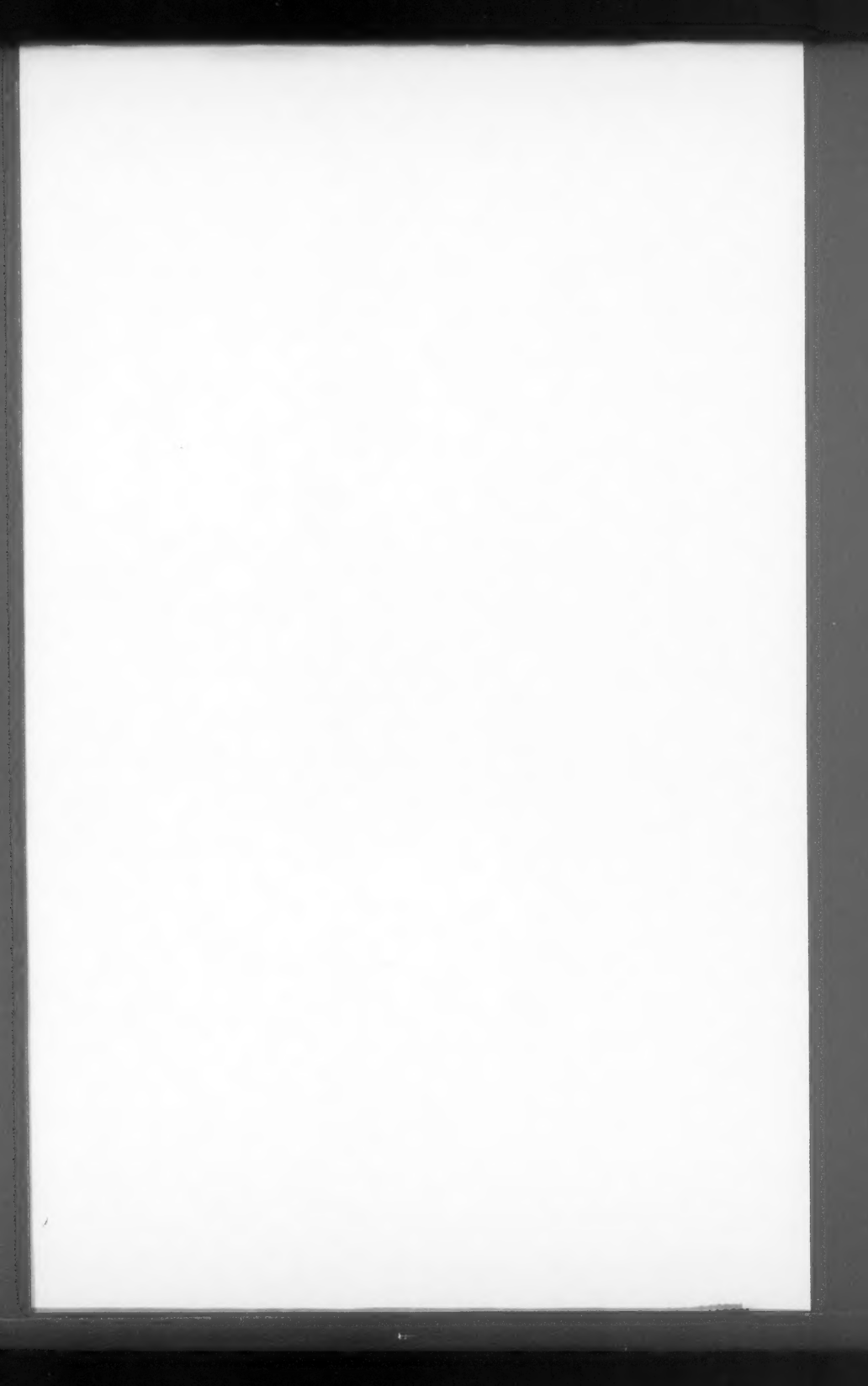
The Commission did not have to directly discuss the dumping margin because it was implicit in its competition and injury analyses.¹² In essence, the dumping margins were not dispositive because the prices charged by the foreign importers did not affect the prices, volume, or market share of the domestic industry. The Commission correctly found that the "attenuated" competition that existed between the subject imports and the domestic like product was the dispositive reason that the subject imports failed to materially injure the domestic industry. Thus, the substantial dumping margins did not affect the domestic industry because the subject imports were not substitutable with the domestic like product. Therefore, the subject imports did not materially injure or threaten to materially injure an industry in the United States because the subject imports did not adversely affect the domestic industry's prices, volume or market share.

V. CONCLUSION

For the foregoing reasons, the court holds that the ITC's final negative determination in *Steel Wire Rope From China and India*, Inv. Nos. 731-TA-868-869, (Final), USITC Pub. 3406 (March 2001) is supported by substantial evidence and in accordance with law. Therefore, the court denies Plaintiff's *Motion for Judgment Upon the Agency Record*. Judgment will be entered accordingly.

¹² The Commission's implicit consideration of the magnitude of the dumping margin is acceptable here because of the particular facts and circumstances of this antidumping investigation. It is less clear that claiming "implicit consideration" of a statutory factor will allow the Commission to circumvent the statutorily mandated requirements of 19 U.S.C. § 1677(7)(C)(iii) in future investigations. On the contrary, the court notes that an explicit discussion of the roll of the dumping margin in injury determinations would better serve the statute.







Index

Customs Bulletin and Decisions
Vol. 36, No. 18, May 1, 2002

U.S. Customs Service Treasury Decision

	T.D. No.	Page
Guidelines for the cancellation of certain claims for liquidated damages	02-20	1

General Notices

	Page
Dates and draft agenda of the twenty-ninth session of the Harmonized System Committee of the World Customs Organization	39
Proposed collection; comment request:	
Air way bill	31
Application for bonding of smelting and refining warehouses	22
Application to receive free materials in a bonded manufacturing warehouse	24
Automated clearing house credit	36
Bonded warehouses—alterations, suspensions, relocations, and discontinuance	25
Cargo container and road vehicle certification for transport under Customs seal	28
Certificate of origin	12
Customhouse brokers license and permit	18
Documentation requirements for articles entered under various special tariff treatment provisions	33
Entry manifest of merchandise free of duty	9
Establishment of a bonded warehouse	21
Establishment of a container station	19
Line release regulations	30
Master's oath on entry of vessel in foreign trade	15
Passenger and crew manifest for passenger flights	34
Permit to transfer containers to a container station	27
Petition for remission or mitigation	10
Report of diversion	16
Ship's stores declaration	13
U.S. Customs declaration (Customs Form 6059B)	37

CUSTOMS RULINGS LETTERS AND TREATMENT

	Page
Tariff classification:	
Proposed revocation:	
Gun boot skins	45

U.S. Court of International Trade Slip Opinions

	Slip Op. No.	Page
Committee of Domestic Steel Wire Rope v. United States	02-36	53



Federal Recycling Program
Printed on Recycled Paper

U.S. G.P.O. 2002-491-793-40056



